

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**903 REVIEW APPLICATION (CIVIL) NO. 244 OF 2017
IN WP/11332/2016**

**RATNAKAR VISHWANATH BADAOK
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...
Advocate for Applicant : Mr. Ambhore M.M.
AGP for Respondents: Mr. A.V. Deshmukh
...

**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 06.04.2018**

PC. :-

. Mr. Ambhore, the learned advocate submits that when initial notification was issued on 19.01.2016 village Palshi was shown for open category, the same was for the purpose of selection for the post of 'Police Patil', however, after eight days a fresh notification was issued and village Palshi was reserved for OBC. The same is illegal. According to the learned counsel, the population of OBC in village Palshi is 12.12%, population of open category is much more. In earlier notification the villages reserved for other categories were reserved for OBC in subsequent notification, the said aspect also needs to be considered. According to the learned counsel, the population of 2011 census was considered while preparing notification dated 19.01.2016 there

was no reason to change the reservation in the subsequent notification. The learned advocate submits that, the reservation was considered in earlier notification also and considering the said reservation the authorities found that the post of 'Police Patil' at village Palshi cannot be reserved for OBC. The Government has taken a contrary stand in the Tribunal and before this Court.

2. The scope of review is in a narrow compass, review cannot be considered as an appeal in disguise.

3. While dismissing the writ petition we had observed thus:

“4] We have considered the submissions and have also gone through the order passed by the Tribunal. The proposition put forth in the Government Resolution of the year 2008 need not be dilated, same is the settled proposition. It appears that village Mangaon had population of OBC of about 38% as per the 2015 census but there is nothing on record to show the OBC population as per 2011 census. The person elected from Mangaon is also not before the Court. Moreover, if the notification dated 27/01/2016 is perused, it is abundantly clear that there are atleast five villages who have OBC population less than OBC population of Palshi village and still those seats are reserved for OBC. Even if one or two villages population is considered to be more than that of Palshi village, with regard to OBC, still the petitioner would

not be benefited, as five villages have OBC population less than population of Palshi village and which are reserved for OBC. Even persons selected as Police Patil from OBC category from those villages are also not before the Court.”

4. It would be seen that village Palshi has population of 12.12% OBC, there were five villages which had less OBC population than at village Palshi and still were reserved for OBC, village Bahuli had OBC population of 11.66% still it was reserved for OBC, village Aamthana had OBC population of 10.58%, village Halda had OBC population of 10.43 %, village Chandapur had OBC population of 10.17% and Pimpalgaon Peth had OBC population of 9.48%. All these villages had OBC population less than village Palshi. As such, even if best case for the petitioner is considered the petitioner would not benefit. We had also observed that even the persons selected as ‘Police Patil’ from OBC category of these villages are not before the Court and, as such, the petition was dismissed.

5. No error apparent on the face of record. Review Application is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]