

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CIVIL APPELLATE JURISDICTION  
REVIEW PETITION NO. 103 OF 2018  
IN  
WRIT PETITION NO. 5462 OF 2016**

Kiran M. Shardul ...Petitioner  
Versus  
The Hon'ble Chairman/Secretary  
Maharashtra Public Service Commission  
and ors. ..Respondents

Mr. P.M. Mokashi for the Petitioner.  
Mr. N.C. Walimbe, AGP for the Respondent- State

**CORAM : SMT. V. K. TAHILRAMANI, Acting C.J. &  
M. S. SONAK, J.**

**DATE : 23.07.2018.**

**P.C.**

1] Heard learned counsel for the parties.

2] Mr. P.M. Mokashi, learned counsel for the review petitioner, submits that his contention that the petitioner is willing to give up his claim for seniority, in case, deemed date of promotion is granted to the petitioner was not noted by this court whilst disposing of Writ Petition No. 5462 of 2016, by judgment and order dated 7.6.2018.

3] Mr. Mokashi submits that if the aforesaid plea is considered, then there is no question of any prejudice to Assistants appointed between 2006 and 2008. He further submits that in such event, non-joinder of any promotees between 2006 and 2008 would not be fatal to grant of relief of deemed date to the petitioner. He submits that this is a good ground to review the judgment and order dated 7.6.2018.

4] Mr. Walimbe, learned AGP for the respondent – State, refutes the contention of Mr. Mokashi. He submits that since there is no error apparent on the face of record, this review petition may be dismissed.

5] Apart from the fact that we genuinely do not recollect any contention regards waiver seniority, in the facts and circumstances of the present case, there is really no case made out for exercise of review jurisdiction, even assuming that such a plea for waiver of seniority were to be made by the petitioner.

6] As noted, in the judgment and order dated 7.6.2018, the cause of action to the petitioner had accrued in the year 2006. The O.A. was only instituted in the year 2012. In the meanwhile, the petitioner has also secured promotion in the year 2008. The MAT, in the present case, had taken a reasonable view and we do not deem it appropriate to interfere with this view in the exercise of our equitable jurisdiction under Article 226/227 of the Constitution of India. Since, no error apparent on the face of record is pointed out, there is no case made out for exercise of review jurisdiction. Accordingly, the review petition is dismissed. There shall however, be no order as to costs.

**(M.S. SONAK, J.)**

**(ACTING CHIEF JUSTICE)**