

**RA no.129 of 2018 in
CWP no.24636 of 2017**

Makhan Lal

v.

Pandit Bhagwat Dayal Sharma University of Health Services,
Rohtak and others

Present:- Mr. Amit Kumar Jain, Advocate, for the petitioner.

By this application, a review of the judgment of this Court dated 08.2.2017 is sought, on the ground that the petitioner has been ignored for selection to the post in question (Operation Theater Technician), even though, firstly, 6 posts that were reserved for Economically Backward Class General (EBPG) category candidates have been held to be unconstitutional by a Division Bench of this Court, despite which the petitioner has not been considered for appointment though he is at Sr. No.19 in the merit list, the total number of posts advertised being 20 in the General Category (after the 6 posts earlier reserved for the EBPG category are included in the General Category).

It is to be noticed that vide the aforesaid order of this Court, the contention of the learned counsel for the University had been recorded that if those who otherwise are of the reserved categories are to be included in the General Category on the strength of the marks obtained by them in terms of the ratio of the judgment of the Supreme Court in **Indra Sawhney v. Union of India and others**, AIR 1993 SC 477, then the petitioner would fall at Sr. no.24, even after including 6 posts for EBPG category in the General Category.

Despite that, this Court had still directed that if the Division Bench holds that no reservation could have been made for the EBPB Category, the petitioners' case for appointment on merit to the 20 posts in the General Category would be considered along with all other candidates.

That being so, I see absolutely no ground to review the order that is sought to be reviewed, other than due to the fact that there is a delay of 122 days in filing the review application.

Naturally, if the directions issued by this Court to consider the petitioners' case have not been complied with by the respondent-University, the petitioner has an adequate remedy for redressal of his grievance.

Dismissed.

27.07.2018
vcgarg

(Amol Rattan Singh)
Judge