

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

914 REVIEW APPLICATION (ST)NO.6502 OF 2019

VIJAYSING DAYASING CHOUHAN

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Deshmukh Arvind
AGP for Respondents State: Mr. S. B.Pulkundwar
Advocate for Respondents 2 to 4 : Mr. C.K. Shinde

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVALA, JJ.**

DATE : 26th April, 2019

PER COURT :

1. Mr. Deshmukh, the learned Advocate for the applicant submits that the applicant/petitioner had completed 24 years of service and in view of that, the petitioner was entitled for second A.C.P.S. benefit but the same has wrongly been denied to the petitioner.

2. Under the judgment and order dated 7th January, 2019 in Writ Petition No.699/2016, we have observed that the petitioner was called for the interview of the Senior Clerk in the year 2008 but the petitioner was held ineligible on account of the punishment imposed upon the petitioner in the departmental enquiry. Even on merits, the bench mark for promotion was 50 marks; the petitioner secured only 15 marks.

3. The petitioner was initially given time bound promotional benefits in October, 1997. As the petitioner was found ineligible, the petitioner was not entitled for the said benefit. The said aspect had been considered by us at the time of delivering the judgment in the writ petition. In view of that no case for review is made out. Review application is rejected. No costs.

(A. M.DHAVALÉ,J.)

(S.V.GANGAPURWALA, J.)

JPC