

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

**REVIEW APPLICATION STAMP NO. 5352 OF 2019
IN
WRIT PETITION NO. 1151 OF 2018**

Nitin Dnyanoba Pawar

.. Applicant

Versus

The State of Maharashtra and others

.. Respondents

Shri Tukaram M. Venjane, Advocate for the Applicant.

Shri S. P. Tiwari, A.G.P. for the Respondent No. 1.

**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATE : 17TH JANUARY, 2020.

FINAL ORDER :

. Mr. Venjane, the learned counsel for the review applicant submits that, there were 28 posts available for apprenticeship category. Out of 28 posts, 09 posts were meant for open competition category. Remaining posts were to be filled in from other reservation. All candidates were not available for the reserved seats. The respondents transferred the said reserved seats to open competition category and other categories in non apprenticeship category. Same is erroneous. This aspect came to the knowledge of the applicant after the order is passed by this Court in the writ petition.

2. After the seats meant for social reservation are transferred to the open competition category in non apprenticeship division,

it is the reserved candidate who should be aggrieved. It is not disputed that only 09 posts were available in open competition category (apprenticeship). Admittedly, the last candidate in the open competition apprenticeship category secured 74 marks. The petitioner secured 70 marks. If other social reserved seats are transferred to non apprenticeship open competition category, it is reserved candidate who can make grievance and not a candidate from open competition category.

3. In the light of the above, no error apparent on face of record is made out. Review application as such is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 20