

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

**935 REVIEW APPLICATION (CIVIL) NO.147 OF 2022
IN WP/6058/2012**

**TATYARAO TULSHIRAM LOKHANDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Parag Barde h/f. Mr.R.H. Wagh, Advocate for the applicant.
Mr.A.R. Kale, AGP for the respondent/State.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.
DATED : 17.06.2022**

PC :-

01. By this petition, the petitioner prays for a review with reference to the order dated 12.12.2013 delivered by the learned Division Bench of this Court in Writ Petition No.6058 of 2012 filed by the present petitioner, which was decided along with Writ Petition No. 4190 of 2013 filed by Syed Asif Ali s/o. Syed Arif Ali Vs. The State of Maharashtra & Ors.

02. We have considered the submissions of the learned Advocate for the petitioner for a considerable time. His contention is that after the Maharashtra Prevention of Fragmentation and Consolidation of Holdings Act, 1947 came into existence, certain unpaid candidates were appointed to work in the revenue office. The job of such unpaid candidates was to prepare charts and out of the fees charged for the consolidation proceedings, 70% of the fees was being retained by the said unpaid candidates and 30% of the fees

was remitted to the account of the State Government.

03. The petitioner is one of such candidates, who was appointed on 28.09.1984 and he worked till 31.03.1993 at Bhoom. On 31.03.1993 the office of the Assistant Consolidation Officer came to be shifted to Nashik and the petitioner was rendered unemployed. It is a part of the record that there was no appointment order issued to the petitioner and he was to retain 70% of the fees deposited in the revenue matters.

04. It is further contended that a scheme was introduced by the State of Maharashtra vide Government Resolution dated 21.10.1995, issued by the Revenue and Forest Department, wherein it was decided to consider the introduction of a scheme for absorbing such unpaid candidates, who had worked for more than 10 years. Those who have worked for less than 10 years were to be subjected to the selection process to be conducted by the Regional Selection Board. Pursuant thereto, a Government Resolution was introduced on 22.10.1996, and it was resolved by the Government Resolution that those who had worked for less than 10 years and more than three years prior to 30th November, 1995, will have to appear through the Regional Selection Board examination after considering their educational qualification. Three chances to pass the examination were extended and there was no age limit.

05. The grievance is that no such examination was conducted by the Regional Selection Board and on 10.03.2005 a further Government Resolution

was introduced providing that those unpaid candidates who had worked between three years and 10 years and who did not have an opportunity to appear for the examination, could be considered. However, vide the said Government Resolution, the State Government resolved only to accommodate those persons, who had worked for ten years or more and no relief was granted to candidates, who had worked in between three years to 10 years. According to the petitioners, they were ignored by the State Government.

06. We, however, are of the view that the interpretation of the Government Resolution dated 10.03.2005 by the petitioner, is not convincing for the reason that the Government Resolution provided that those unpaid candidates who had worked for 10 years till the date of the Government Resolution which is 10.03.2005 and had completed 10 years, would also be considered for absorption and need not appear for the Selection Board examination. Unfortunately, the petitioner did not secure such work from 01.04.1993. All other similarly situated candidates, who were fortunate in getting the work and completed 10 years as on 10.03.2005, were also absorbed as there was an age relaxation introduced as well as appearing for the examination was exempted by the said Government Resolution.

07. In Shivshankar Gundu Jawanjal & Ors. Vs. State of Maharashtra, 2007 (2) Bom.C.R.41, the learned Division Bench of this Court while dealing with the said Government Resolution, has concluded in paragraph No.20, as under :-

“We have also noted earlier that those of the petitioners who

came to be appointed from 13/2/1987 onwards cannot rely upon the G.R. dated 10/3/2005 and for more than one reasons. Firstly though the said GR was purportedly issued in compliance with the orders passed by this Court in Writ Petition Nos.2067, 1882 and 1885 of 2002, the said G.R. was contrary to the order passed by this Court on 4th February 2005 in Writ Petition No.942 of 2004 by following the judgment of the Apex Court in Umaranis case (supra). Denying the benefit of the G.R. dated 10/3/2005 to such petitioners would not, in our view, violate the protection of equality as enshrined in Articles 14 and 16 of the Constitution and this issue finally stands settled by the Constitution Bench in Umadevis case (supra).”

08. In view of the above, we conclude that certain policies framed in the wisdom of the State could not be interferred with on isolated cases like the present case of the petitioner. A scheme cannot be devised or tailor-made for each and every candidate. A mass of candidates has to be considered while framing such policies and therefore, we do not find that the judgment sought to be reviewed suffers from any error.

09. This Review Petition is, therefore, rejected.

[ANIL L. PANSARE,J.]

[RAVINDRA V. GHUGE,J.]