

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**REVIEW APPLICATION (ST.) NO. 17223 OF 2022
AND
CIVIL APPLICATION NO. 11164 OF 2022 IN RAST/17223/2022
IN
WRIT PETITION NO. 8488 OF 2019**

RAKESH SOPANRAO ILHE AND ANOTHER
VERSUS
THE STATE OF MAHARASHTRA THROUGH
ITS PRINCIPAL SECRETARY, REVENUE
AND FOREST DEPARTMENT AND OTHERS

...
Advocate for applicant – Mr. H.P. Jadhav
AGP for the respondent – State : Mr. S.B. Yawalkar
...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 29 JULY 2022

PC :

Delay is condoned.

2. Heard learned advocate for the petitioners and the learned AGP and perused the papers.

3. The petitioners who had preferred writ petition no. 8488 of 2019 are seeking review of the judgment and order passed by this Court on 21-08-2021 dismissing their writ petition.

4. In short, the writ petitions were filed with the averments that the petitioners had applied for the post of Range Forest Officer purportedly from SC and NT-D category pursuant to an advertisement published on 12-02-2014. The select list was published, appointment

orders were issued to three candidates of NT-D category one of which did not join. The petitioner no. 1 had secured 190 marks. He sought appointment to the post which was vacant since the third selected candidate did not turn up, however, his claim was not considered. The original application was filed before the Maharashtra Administrative Tribunal seeking appointment order but it was dismissed. The dispute was essentially pertaining to absence of rules providing for having a wait list.

5. It is to be borne in mind that the petitioners are seeking an extra-ordinary relief of undertaking a review of an order passed by this Court. However, the application is devoid of the grounds which would enable this Court to undertake the review within the four corners of the law and the contours of section 114 of the Civil Procedure Code. Neither any formal defect has been specifically pleaded nor any additional material which was not available to the petitioners has been pointed out.

6. It appears that after decision of the writ petition, some order has been passed by the Maharashtra Administrative Tribunal providing for 'opting out' option which is being relied upon by the petitioner to seek a review. We are afraid, such a course is not available. A subsequent decision by the Maharashtra Administrative Tribunal touching the selfsame aspect on which this Court has ruled, cannot be a ground to undertake a review.

7. The Review Application is dismissed.
8. Civil application is disposed of.

[SANDEEP V. MARNE]
JUDGE

[MANGESH S. PATIL]
JUDGE

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