

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

**CIVIL APPLICATION NO. 12761 OF 2022
WITH
REVIEW APPLICATION(CIVIL)(ST) NO. 34101 OF 2021
IN
WRIT PETITION NO. 1884 OF 2016**

Vijay s/o Sitaram Johare ... Applicant
Versus
Zilla Parishad, Jalgaon and others ... Respondents

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Mr. N. C. Garud, Advocate for applicant
Mr. A. S. Shinde, AGP for respondent Nos. 2 and 3

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**CORAM : MANGESH S. PATIL AND
R. G. AVACHAT, JJ.**

DATED : 08th SEPTEMBER, 2022

PER COURT :-

. We have heard the learned Advocate for the review applicant on the application for condonation of delay as well as on merits.

2. The judgment under review was pronounced on 21.11.2018, whereas, the review application along with application for condonation of delay was filed in December 2021. There is enormous delay. The application is absolutely devoid of

any reason much less sufficient to condone the delay. Only ground that has been mentioned is about intervening Covid period, which started in March 2020, after about one year and five months of passing of the order.

3. As far as the initial period of one and half year is concerned, it has been mainly averred that the respondents were giving assurances to the petitioner/applicant and he was waiting for favourable consideration. We are afraid, such a vague statement without disclosing the details and tangible proof regarding any written communication between the parties, as a ground to explain the delay of initial one and half year is also not sufficient. Consequently, the application for condonation of delay itself is, liable to be rejected.

4. Even otherwise, on merits also, the petitioner was primarily aggrieved by the fact that he belonged to Scheduled Caste category and stood at serial No.1 in the project affected persons category, but was not given appointment.

5. This Court, after hearing the arguments, had specifically noticed that the appointments were given merely to fill up the backlog of Other Backward Class candidates and the petitioner being

not from that category, was not entitled to be given any appointment. It was also expressed in so many words that it was not the case that anybody from Scheduled Caste project affected persons category who was below him on merits, was given any appointment.

6. We do not find any formal defect or error apparent on the face of the record which would enable us to undertake a review.

7. The application and the review is dismissed.

[R. G. AVACHAT, J.]

[MANGESH S. PATIL, J.]

SMS