

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION NO.142 OF 2021
IN
WRIT PETITION NO.7009 OF 2019 (D)

Laxmikant Sambhaji Khade, Shivshakti Nagar, Chikhali Road, Nagpur

-vs-

The State of Maharashtra, Thr. Its Secretary, Dept. of Public Health, Mantralaya, Mumbai and
ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri Mohan M. Sudame, Advocate for applicant.

Ms H. N. Jaipurkar, Assistant Government Pleader for non-applicants.

CORAM : A. S. CHANDURKAR AND G. A. SANAP, JJ.

DATE : February 16, 2022

P.C.

Admit.

Heard finally with consent of counsel for the parties.

The applicant seeks review of the order passed in Writ
Petition No.7009/2019 dated 20/01/2020.

2. The applicant submits that pursuant to an advertisement issued by the non-applicant No.2 for the post of Chief Administrative Officer Group-A, he had made an application for appointment since he satisfied the requirements therein. The applicant however was not selected and hence he approached the Maharashtra Administrative Tribunal vide O. A.

No.274/2018. The Tribunal however rejected the Original Application on 26/06/2019 and that order was challenged in Writ Petition No.7009/2019.

3. While considering the claim of the applicant, reference was made to the criteria prescribed in the Recruitment Rules of 2002 for the post of Administrative Officer Group-B which is evident from the second paragraph of the order passed in the writ petition. Therein the criteria prescribed vide Clause-IV(b) (iii) of the Recruitment Rules has been reproduced. It is seen however that this criteria of experience is applicable to the post of Administrative Officer Group-B. The criteria applicable as per Rule-III (b) (iii) of the Recruitment Rules relates to the post of Chief Administrative Officer Group-A. It is thus clear that by considering the experience prescribed for the post of Administrative Officer Group-B the claim of the applicant who had applied for the post of Chief Administrative Officer has been adjudicated.

4. We have perused the affidavit in reply filed by the non-applicant No.2 and from paragraph 6 it is clear that the applicant had sought appointment on the post of Chief Executive

Officer Group-A. We find that this Court inadvertently considered the criteria prescribed for the post of Administrative Officer Group-B when infact the applicant had applied for appointment on the post of Chief Administrative Officer Group-A. The application for review thus deserves to be allowed since an error apparent on the face of record has been pointed out in the order dated 20/01/2020 in Writ Petition No.7009/2019.

Accordingly the application is allowed.

The order dated 20/01/2020 is recalled and Writ Petition No.7009/2019 is restored to file for adjudication on merits.

Misc. Civil Application is disposed of with no order as to costs.

(G. A. Sanap, J.)

(A. S. Chandurkar, J.)