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

919 CIVIL APPLICATION NO.9276 OF 2023
IN RAST/20186/2023
IN WP/3831/2020

KALYAN JAGANNATH NARWADE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

....

Mrs Yogita Thorat, Advocate h/f Mr T. S. Lodhe, Advocate for
Applicant;
Mrs Priya R. Bharaswadkar, A.G.P. for Respondent Nos.1 to 3

**CORAM : RAVINDRA V. GHUGE
AND
Y. G. KHOBRAGADE, JJ.**

DATE : 1st December, 2023

PER COURT:

1. Since the learned Advocate for the Applicant, as well as the learned A.G.P. were ready and willing to address the Court on Review Application and though the learned A.G.P. has opposed the application for condonation of delay caused in filing the Review Application, we have condoned the delay of 1179, days. As such, **this Civil Application is allowed.**

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2. Heard the learned Advocates for the respective sides in the Review Application.

3. This is a peculiar situation before us. The Review Petition has been filed only because the citation noted in our order, does not exist according to the Review Applicant. There are two citations with regard to the Petitions filed by Shri. Rajendra Pandurang Pagare, as under :-

1) Rajendra Pandurang Pagare and Another Vs. State of Maharashtra and Others, 2009 (4) Mh.L.J. 961 : 2009 (4) Bom. C.R. 928 (Full Bench).

2) Rajendra Pandurang Pagare and Another Vs. State of Maharashtra and Others, 2011 (4) Bom.C.R. 481 (Division Bench)

4. When this Court passed the order on 11/03/2020 (the order which is sought to be reviewed) in Writ Petition No.3831/2020, the judgment of the Full Bench of this Court in the case of Rajendra Pandurang Pagare and another (supra) was quoted. However, the 2011 citation in Rajendra Pandurang Pagare (supra) was mentioned. Coincidentally, the 2011 citation, as mentioned above, also pertains to the reported order in the case

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of Rajendra Pandurang Pagare, but delivered by the Division Bench of this Court. The Full Bench order in Rajendra Pandurang Pagare and Another (supra) was to be referred to in paragraph 2 of the order dated 11/03/2020 of this Court. It is on account of the different citation, that was mentioned in the order, that the Petitioner studied the said citation, which is a 2011 reported judgment, and felt that the view, the facts, the law and the conclusions in that matter are different from the facts involved in the Writ Petition.

5. We have gone through the judgment of the learned Full Bench of this Court in Rajendra Pandurang Pagare and another Vs. State of Maharashtra, 2009 (4) Mh.L.J. 961, which clearly prohibits the direct appointment of a candidate in the Police Department, only on the basis of he being a Project Affected Person (PAP). The said judgment does not preclude a Project Affected Person from competing to a public post through a regular appointment process with certain reservations, if are prescribed for Project Affected Person. In short, the judgment of the learned Full Bench prohibits a direct appointment of a Project Affected Person, as it would amount to a 'backdoor entry'.

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6. In view of the above, there is no error apparent on the face of the order, except that the citation was wrongly mentioned. We, accordingly correct the order dated 11/03/2023, passed in Writ Petition No.3831/2020, by mentioning the citation of **Rajendra Pandurang Pagare and Another Vs. State of Maharashtra and Others, 2009 (4) Mh.L.J. 961 (FULL BENCH)** in paragraph No.2 of the said order.

7. The **Review Application is disposed off**, with liberty to the Petitioner to follow the due procedure laid down in law, if at all he desires to participate in any selection process on the basis of a Project Affected Person certificate, if there is any reservation prescribed.

8. The corrected order in Writ Petition No.3831/2020, be uploaded.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)

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(This order dated 11/03/2020 is corrected in view of the order dated 01/12/2023, passed in Review Application (Civ.) (St.) No.20186/2023)

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

WRIT PETITION NO.3831 OF 2023

Kalyan Jagannath Narwade	.. Petitioner
Versus	
The State of Maharashtra and others	.. Respondents
....	

Shri T. S. Lodhe, Advocate for Petitioner.
Shri K. N. Lokhande A.G.P. for Respondent Nos.1 to 3.

**CORAM : S. V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 11TH MARCH, 2020

FINAL ORDER :

. We have heard the learned counsel for the petitioner and the learned Assistant Government Pleader for respondents.

2. The relief claimed by the petitioner is against the judgment of the Full Bench of this Court in a case of **Rajendra Pandurang Pagare and Another Vs. State of Maharashtra and Others** reported in **2009 (4) Mh.L.J. 961.**

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3. In the light of that, the writ petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.) (S. V. GANGAPURWALA, J.)

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