

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 250 OF 2023
IN WRIT PETITION NO. 15140 OF 2017

Kiran Vasant Shinde

Age : 32 years, Occ. : Education,

R/o. : Thergaon, Tq. Karjat,

Dist. Ahmednagar

... APPLICANT

VERSUS

1. The State of Maharashtra
(Through its Secretary,
Urban Development Department,
Mantralaya, Mumbai – 32)

2. The Commissioner,
Pimpri Chinchwad Municipal
Corporation, Pimpri – 411018

... RESPONDENTS

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Mr. Vijay A. Dhakne – Advocate for Applicant

Mr. A.V. Deshmukh – A.G.P. for Respondent No.1, State

Mr. V.P. Latange – Advocate for Respondent No.2

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CORAM : RAVINDRA V. GHUGE AND
SANDIPKUMAR C. MORE, JJ.

DATE : 2nd November, 2023

PER COURT :

1. We have heard the learned Counsel for the review applicant and perused the grounds set out for seeking review of the judgment and order dated 06.07.2022 delivered in Writ Petition No. 15140 of 2017.

2. Needless to state that, a Review Applicant cannot re-open his case. The law laid down in *Lily Thomas Vs. Union of India* reported in AIR 2000 SC 1650, *S. Madhusudhan Reddy Vs. V. Narayana Reddy and Ors.*, reported in 2022 SCC OnLine SC 1034 and *Pancham Lal Pandey Vs. Neeraj Kumar Mishra and Ors.*, reported in 2023 SCC OnLine SC 143, would indicate that, the petitioners/applicants cannot re-argue their case set out in the Writ Petition.

3. In our judgment under review, we have concluded in paragraph No.10, on the basis of the record available, that the first select list was declared by the respondents on 29.06.2015. We have also come to the conclusion on the basis of the record, that the petitioner did not score marks above the cut-off percentage.

4. Our attention is drawn to the select list published on 29.06.2015. At the end of the list, note No.3 indicates that, no candidate from the O.B.C. (Project Affected Category) was available and hence, the second list was not published to the extent of the OBC Project Affected Category.

5. It is quite obvious that, there is difference between the merit list and select list. Moreover, there is no pleadings in the Writ Petition as well as the Review Application, as to what was the cut-off percentage, what was the score of the Petitioner and whether he had scored above the cut-off percentage. In the absence of specific pleadings, the contention of the learned advocate for the applicant can only be a contention in air. Even the learned advocate is not instructed by the applicant and he is not aware of the cut-off percentage and the score of the Petitioner above the cut-off percentage.

6. The Merit list dated 29.06.2015 published by the Municipal Corporation, categorically indicates that, no candidate from the O.B.C. (Project Affected Category) was available for selection.

7. The Review applicant could not point out any error apparent on the face of the order or in law. **Therefore, the review application is dismissed.**

[SANDIPKUMAR C. MORE, J.] [RAVINDRA V. GHUGE, J.]