

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

937 REVIEW APPLICATION (CIVIL) NO.257 OF 2017
IN WP/6995/2009

PRADEEP BABURAO RATHOD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Panditrao S. Anerao
AGP for the respondent – State : Mr. S.K. Tambe
...

**CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : 28 JULY 2023

PC :

We have heard the learned advocate for the petitioner. The petitioner who is the original applicant before the Tribunal is seeking a review of the order passed by this Court in a writ petition preferred by the original respondent no. 4 before the Tribunal.

2. The present applicant had preferred that original application only arraying the petitioner and the authorities questioning his selection to the post of Clerk cum Typist. The tribunal had allowed the original application on the ground that the application preferred by the respondent no. 4 herein was beyond the date prescribed in the advertisement for submitting the application. In the process, the tribunal also ignored the fact that between the respondent no. 4 who

was at serial no. 1 and the present applicant who was at serial no. 4, there were two other candidates but the tribunal holding them that they were not possessing the non-creamy layer certificate and stood disqualified, had allowed the original application of the present applicant.

3. In the order under review, this Court has elaborately demonstrated as to how the entire program of the selection process was postponed including the date for submission of the applications. Admittedly, the respondent no. 4 had submitted the application on 14-03-2008. By the revised program, the last date for submission of the application was postponed to 05-04-2008. An affidavit was filed before us.

4. Even the learned advocate for the applicant tenders across the bar information received by his client under the Right to Information Act which *inter alia* substantiates the stand of the other respondents in their affidavit-in-reply filed in the petition informing that the schedule of the selection process was postponed. This clearly demonstrates that the application of the respondent no. 4 was in time.

5. In the absence of the other two candidates, we had found that the tribunal could not have embarked upon and declared them to be disqualified when they were not, admittedly, the parties. For both

these reasons, we had allowed the writ petition by the order under review. There is no error apparent on the face of the record or any other circumstance which would enable us to undertake review.

6. The application is rejected.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/