

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 CIVIL APPLICATION NO.12791 OF 2023 IN RA(CIVIL)(ST)/30189/2023
IN WP/7554/2018

VILAS BABURAO KHOMNE AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicants : Mr. Malte Uday S.
AGP for the respondent – State : Mr. A.A. Jagatkar
...

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

DATE : 20 OCTOBER 2023

PC :

We have heard Mr. Malte even in respect of the review application.

2. The petitioners are seeking review of the order passed by this Court in writ petition no. 7554 of 2018 wherein they had put up a challenge to the order passed by the Maharashtra Administrative Tribunal in Original Application No. 68 of 2012.

3. It has been the case of the petitioners that they possessed qualification of HSC and were also having a certificate of Civil Engineering Assistant (CEA). They were banking upon the Government resolution dated 07.08.1982 issued by the Public Works Department for provisional appointment of the candidates who had completed the CEA on the post of Muster Karkun. It was their stand

that they should have been absorbed on the basis of the Government resolution dated 07-08-1982. Inter alia, the writ petition was dismissed by observing that the petitioners had approached the Tribunal belatedly and that too after the recruitment rules had come into being with effect from 2002. If the petitioners were making a request for absorption in the light of the policy as was in existence vide Government resolution of the year 1982, after the recruitment rules were in place, their request / claim was held to be not sustainable. It was expressly observed that once the rules were in place, the earlier policy of 1982 stood superseded.

4. Going by the reasoning, the grounds being put forth for undertaking a review would not fit in the parameters which circumscribe the review jurisdiction.

5. The application for condonation of delay as well as the review application is rejected.

[SHAILESH P. BRAHME]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/