

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**INTERIM APPLICATION NO.10171 OF 2022
IN
REVIEW PETITION (STAMP) NO.12497 OF 2022
IN
WRIT PETITION NO.4717 OF 2019**

The State of Maharashtra,

Through the Secretary,

Higher and Technical Education Department and Anr. .. Applicants–Org. Respondents

Vs.

Nivrutti Baburao Kand and Anr.

.. Respondents–Org. Petitioners

Mr. N.C. Walimbe, AGP for the Applicants–Original Respondents–State.

Mr. Vishwanath Talkute for Respondent No.1.

Mr. Rajendra Anbhule for Respondent No.2.

CORAM : SUNIL B. SHUKRE & R.I. CHAGLA, JJ

DATE : 3RD JULY, 2023.

[IN CHAMBER – AT 4.45 P.M.]

P.C. :

1. Heard learned counsel for the applicants–original respondents–State and learned counsel for respondent nos.1 and 2, respectively.

2. There is delay in filing the Review Petition, but, we are of the view that the delay can be seen to be explained sufficiently the way in which departments of the State Government work. The procedure, which covers the working of the

department, is riddled with several bureaucratic requirements and the fulfillment of these requirements take some time and that is how the delay occurs in filing of such petitions. But, when we consider the main issue involved in the petition, relating to appointment of the petitioner as Driver on the substantive post sanctioned by the State Government or the post sanctioned under the University funds, we are of the view that a decision on merits of such an issue would be desirable and, therefore, whatever delay, which has occurred in this matter, which, to some extent, has been explained by the bureaucratic functioning of the department of the State Government, would have to be condoned.

3. Accordingly, we condone the delay, in the interest of justice, in filing the review petition. We direct that the review petition be registered forthwith and be placed before this court forthwith for further consideration.

4. Interim Application is allowed and disposed of in the above terms.

[R.I. CHAGLA, J.]

[SUNIL B. SHUKRE, J.]