

4. Respondent No.2-the Commissioner of Police published an advertisement on 5 February 2018 for filling up the post of Police.

Out of which, 10 posts were for Band Squad. The Petitioners applied pursuant to the advertisement. The selection process was complete and the Petitioners were not given appointment and, therefore, the Petitioners filed the Original Application on 23 January 2021. The Original Application was opposed by the Respondents by filing reply affidavit. After condoning the delay in filing the Original Application, the Original Application was rejected by the Tribunal by the impugned order.

5. The learned Counsel for the Petitioners submitted that while condoning the delay in filing the Original Application, the Tribunal has observed in favour of the Petitioners and having once condoning the delay, the Original Application could not have rejected on the ground of delay again. The Tribunal has not accepted this argument.

6. Firstly, it is to be noted that in the order condoning the delay, the Tribunal has observed that the posts have been filled up of meritorious candidates and at that stage, after they have put four years of service, their appointments cannot be cancelled. The Tribunal then observed that it be explained if the Petitioners can be accommodated against any vacancies. When the Original Application came up for consideration, the Tribunal was informed that there are no vacancies. Therefore, the Tribunal rightly observed that no order could be passed. As regards accommodation in future vacancies are concerned, the learned Counsel for the Petitioners

informs that the Petitioners are age barred. Because the Tribunal condoned the delay to hear the matter on merits does not mean that the Tribunal was precluded from taking into consideration the events that have occurred after the impugned selection process.

7. The Writ Petition is accordingly rejected.

(MANJUSHA DESHPANDE, J.)      (NITIN JAMDAR, J.)