

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**931 CIVIL APPLICATION NO. 2244 OF 2024
IN RAST/4608/2024**

**YOGESH DILIPRAO RAJENDRA
VERSUS
THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND ORS**

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Advocate for Applicant : Mr. Joshi Rhshikesh A.
AGP for Respondent No. 1 : Mr. V.K. Kotecha
Advocate for Respondent Nos. 4 & 6 : Mr. A.S. Deshpande
Advocate for Respondent No. 3 : Mr. S.V. Jadhavar
h/f. Mr. S.S. Thombre

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

DATE : 22 FEBRUARY 2024

PER COURT :

This is an application for condoning the delay of 190 days in filing a review application in respect of the interlocutory order dated 07 July 2023 passed in Civil Application No. 7010 of 2023 in Writ Petition No. 1676 of 2017, which reads thus :

“Heard the learned Advocate for the applicant and the learned Advocate for the University. The management has been duly served, but has not caused appearance.

2. The applicant is awaiting approval and grant in aid to the post. He holds and claims to have acquired the requisite qualification even prior to the cut off date.

3. It is being pointed out that in spite of pendency of the writ petition, the management is going ahead and resorting to the recruitment to fill in all the three posts of computer science subject, where the applicant/petitioner has been working.

3. Since the management is not coming forward in spite of service of notice, we direct that the main petition be listed for final disposal at the admission stage on 04.08.2023. Till then one post for computer science subject shall be kept vacant.

4. The Civil Application is disposed of.”

2. The applicant was not a respondent in the Writ Petition when the aforementioned order was passed. It appears that he was subsequently added as respondent no. 5. He made an attempt to seek vacation of the interim order (supra). He even made an attempt to get the Writ Petition heard finally and having failed in that, under the belief that there is no likelihood of the Court finding time to decide the Writ Petition finally, this review petition has been filed together with the application for condonation of delay.

3. We have heard learned Advocate for the applicant. It is well neigh clear that he is a person who has been merely selected to a post in respect of which the interlocutory order prohibits any appointment to be made. We have our own doubt as to his *locus standi* till the time he was

appointed. The order at the most injuncts the management from filling that post and the management is not before us seeking any modification.

4. When the substantive petition is already pending before the Regular Court to which even the review applicant is now a party, in our considered view, there is no question or sufficient ground to seek review of the order at the instance of the present applicant.

5. In fact, the assertions in the application showing the attempts made by the applicant to seek modification or await for final disposal of the writ petition, as a ground for condoning the delay, in our considered view, are not legally sustainable to condone the delay of 190 days.

6. The application is rejected.

[SHAILESH P. BRAHME, J.]

[MANGESH S. PATIL, J.]