



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

1 REVIEW APPLICATION (CIVIL) NO. 7 OF 2023
IN
WRIT PETITION NO.10965 OF 2022

KHAJA GULAM MOHAMMAD ATHAR MOHAMMAD
ABDUL GAFFAR

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS

...
Advocate for the Applicant : Mr. S.S. Kazi i/by Ms.Fatema S.
Kazi.

AGP for Respondents 1 to 3/State : Mr. P.K. Lakhotiya

Advocate for Respondent 4/MC : Mr. S.S. Bora

...

CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.

DATE :- 11th January, 2024

Per Court :-

1. This is a peculiar case. The learned Advocate for the Applicant/ original Petitioner has mentioned in prayer clauses B and C of the Writ Petition that the Petitioner should be appointed as a Garden Supervisor on promotion and should be given pay scale of the said post. Several allegations have been made against a particular person, who is not arrayed in the Writ Petition. The Writ Petition was disposed off by order dated 10.11.2022 vide

which, we permitted the Petitioner to make an application for appointment on promotion to the post of the Garden Supervisor and he would be allowed to compete along with eligible candidates considering the available vacancies.

2. By this Review Application, the Petitioner submits that a blunder was committed in the pleadings in the Writ Petition. The Petitioner was holding an additional charge of the Garden Supervisor. He confirms that though he is a Junior Garden Clerk and working as an in-charge Garden Supervisor, he is eligible to compete with other eligible candidates for the post of Garden Superintendent, by way of promotion.

3. The learned Advocate for the Petitioner submits that he would prefer to file a proper Writ Petition considering the mistakes committed in the earlier petition. He prays for disposal of the Review Petition with liberty to file a proper petition for praying that he should be allowed to compete for for the post of Garden Superintendent by way of promotion. He further prays that the earlier filed petition be permitted to be disposed off with liberty to file a fresh petition.

4. The learned Advocate for Respondent No.4/ Municipal Corporation submits that the entire case of the

Petitioner is misconceived. A Garden Superintendent is to be directly selected and appointed. If the Petitioner files a fresh Writ Petition, the contentions of the Municipal Corporation to oppose the petition on all counts, may be kept open.

5. In view of the above, **this Review Petition is disposed off by consent.** The order dated 10.11.2022 passed in the earlier Writ Petition No.10965/2022, is re-called and the Writ Petition is disposed off.

6. If the Petitioner prefers a fresh Writ Petition praying for consideration to the post of the Garden Superintendent on promotion, all contentions of the Municipal Corporation are kept open.

7. A copy of this order shall be placed on record by the Petitioner, if a fresh petition is filed.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)