



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

Writ Petition No. 4315/2024
(Minal V State of Maharashtra and others)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.R. Deo, Adv. for petitioner.
Mr. Ukey, APP for resp. nos. 1 to 3.

CORAM : Smt. Vibha Kankanwadi & Mrs. Vrushali V. Joshi, JJ
DATE : 23-07-2024.

Heard learned Advocate for the petitioner and learned
APP for respondent nos. 1 to 3 who waives service.

ii. Learned Advocate for the petitioner has taken us through the judgment in Original Application No.581/2023 before the Maharashtra Administrative Tribunal (MAT) Bench at Nagpur. It is the grievance of the petitioner that though she has secured higher marks than the present respondent no.4, respondent no.4 has been given an appointment by order dated 15-09-2023. The said order dated 15-09-2023 was not produced before the Tribunal either by the applicant/present petitioner or the respondents. The said order would show that the respondent no.7 though belongs to OBC category was given appointment from open category and the present petitioner is also from the open category. The application of the petitioner was rejected on the ground that four other candidates though from the reserved category had scored more marks therefore

they were considered from the open category, but it appears that one of the candidates did not report and therefore the respondent no.4 has been given the appointment. The respondent nos.1 to 3 ought to have considered that the petitioner has secured more marks than the respondent no.4. This information is now revealed when the application was filed by the petitioner under the Right to Information Act which was of course after pronouncement of the judgment by the learned Tribunal.

iii. Taking into consideration all these submissions, the learned Advocate for the petitioner now seeks withdrawal of the petition with liberty to approach learned Tribunal with review application.

iv. In view of the subsequent discovery of the facts as stated, the petitioner is allowed to withdraw this petition and is at liberty to take up the proceedings before the learned Tribunal. Accordingly petition stands disposed of

v. We may also observe that the learned Tribunal may consider the pendency of the present petition before this Court, if the point of delay arises.

(Mrs. Vrushali V. Joshi, J.)

(Smt. Vibha Kankanwadi, J.)