



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO. 19 OF 2025 IN
WRIT PETITION NO. 12247 OF 2015

SHARAD RAGHUNATH KADUS AND OTHERS
VERSUS
THE UNION OF INDIA AND OTHERS

...
Advocate for the applicants : Mr. N.J. Patil
...

CORAM : MANGESH S. PATIL &
PRAFULLA S. KHUBALKAR, JJ.

DATE : 7 FEBRUARY 2025

ORDER (MANGESH S. PATIL, J.) :

Heard learned advocate for the applicants / petitioners.

2. The applicants are the original petitioners. They were selected from unreserved category in a recruitment process undertaken by respondent no. 2 for the post of Constable / Driver. They were issued with appointment orders on 20.11.2015 but by communication dated 27.11.2025, their appointments were cancelled on the ground that there were no vacancies. It was their stand that once having been granted the appointments, those could not have been cancelled abruptly.

3. It was the stand of the respondents that pursuant to the directions of the Supreme Court in the matter of ***Ramsing and others V. Union of India; (2015) 4 SCC 697***, the candidates who were

selected in OBC category belonging to Jats from 9 states had to be shifted to the unreserved category. Consequently, the petitioners being less meritorious than those candidates, the error in issuing the appointment orders was rectified by the impugned communication, thereby cancelling petitioners' appointments.

4. The stand of the respondents in the affidavit in reply to this effect was accepted and the writ petition was disposed of. It was expressly observed that if the petitioners were able to demonstrate at a later stage that the last candidate appointed in the unreserved category was less meritorious than them, they could re-agitate the issue. Learned advocate for the applicants - petitioners submits that the OBC category candidates who were given appointments could not have been shifted to unreserved category. Once the appointment orders were issued to the petitioners, those could not have been cancelled. There are still vacancies which can be filled in by allowing the writ petition by undertaking review.

5. Learned advocate for the petitioners would also seek to rely upon the orders of the High Court of Delhi in the matter of writ petition (C) no. 5211 of 2022 – ***Subhash Chhilar and others Vs. Union of India and another*** with connected writ petitions and High Court of Patna in the matter of ***Pintoo Kumar Singh S/o Kapil Dev Prasad and others Vs. The Union of India through its Secretary and others*** –

civil writ jurisdiction case no. 4547 of 2017 and connected cases in respect of similar recruitment process.

6. We have considered the submissions and perused the papers.

7. One need not overemphasize the scope and ambit of the powers of this Court to undertake a review. The limits are circumscribed by law.

8. As is mentioned hereinabove, though the petitioners were issued with appointment orders, those were cancelled within 7 days. It was the stand of the respondents that because of the judgment in the matter of ***Ramsing and others*** (supra), the candidates who were selected and appointed belonging to Jat communities from 9 states, in the OBC category, had to be shifted to the unreserved category. The candid stand taken in the affidavit in reply was accepted. It was noticed that there were 86 such candidates including the petitioners who were less meritorious than the candidates who were appointed in the unreserved category. Nothing has been demonstrated pursuant to the observations in the last paragraph of the order under review, to demonstrate that a less meritorious candidate has been appointed in the unreserved category.

9. The decision to cancel the appointment and the aforementioned reasons have again been reiterated and substantiated by filing affidavit in reply even in this review application.

10. In the backdrop of the aforementioned facts and circumstances, in our considered view, no grounds have been made out to enable us to exercise the power of review.

11. There is one more aspect. It is a recruitment process of the year 2015 for the post of Constable / Driver. Though the delay in preferring the review application has been condoned, it is a matter of record that the review application has been preferred after a long slumber of more than 5 years. Such delay on the part of the petitioners in seeking a review, in our considered view, would be an additional ground for refusing to exercise the power and jurisdiction of undertaking a review.

12. In the matters before the High Courts of Delhi and Patna, the facts were peculiar. Those were not the matters of review. Pointing out as to how the petitioners were meritorious, they were held entitled to be appointed. The facts in the matter before those High Courts and the present one are drastically different.

13. The review application is rejected.

[PRAFULLA S. KHUBALKAR]
JUDGE

[MANGESH S. PATIL]
JUDGE

arp/