

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION NO.121 OF 2024
IN
WRIT PETITION NO.6194 OF 2024**

Pallavi Laxman Barate

.. Petitioner

Vs.

The State of Maharashtra,

Through Revenue and Forest Department and Anr. .. Respondents

Mr. Kishor Patil with Mr. Shrikant D. Patil, Advocates for the Review Petitioner.

Mr. A. I. Patel, Additional Government Pleader with Mr. N. K. Rajpurohit, Assistant Government Pleader for Respondent No.1-State of Maharashtra.

Mrs. Pranali Kakade, Advocate for Respondent No.2-MPSC.

**CORAM : A.S. CHANDURKAR &
RAJESH S. PATIL, JJ**

DATE : 7TH MARCH 2025.

P.C. :

1. The applicant seeks review of the order passed in Writ Petition No.6194 of 2024 by which the aforesaid writ petition preferred by the applicant challenging the order dated 05/03/2024 passed by the Maharashtra Administrative Tribunal in Original Application No.852 of 2022 came to be dismissed.

2. According to the learned counsel for the applicant since one of the candidates from the OBC female category namely Ms.

Ghotkar Shweta Ashok was not found qualified for appointment and her name came to be deleted from the list of recommended candidates, her name was not liable to be retained in the revised list of candidates. As her name was so retained, the candidature of the applicant could not be duly considered. Hence, by the order dated 20/12/2024, the Maharashtra Public Services Commission, (for short, 'MPSC') was directed to file an affidavit indicating the manner in which the revised list of candidates would operate after deletion of the name of Ms. Ghotkar Shweta Ashok. Accordingly, such affidavit has been filed on behalf of the MPSC on 04/02/2025. It has been stated therein that as per Rule 10 (8)(a) of the Maharashtra Public Service Commission Rules of Procedure, 2014, (for short, 'Rules of 2014') whenever recruitment of multiple cadres is involved, a waiting list is not maintained. In case, a candidate is not eligible or a selected candidate does not join despite being recommended, said aspect is not considered by the MPSC. In such eventuality, the post in question remains vacant as no waiting list is maintained. Such vacant position is filled in the subsequent recruitment process. It is further stated that after the non-eligibility of Ms. Ghotkar Shweta Ashok, the post in question would have remained vacant even if the revised list of candidates was declared.

3. In view of this position and as there is no waiting list maintained in view of Rule 10 (8)(a) of the Rules of 2014 due to multi-cadre recruitment pursuant to the advertisement in question, we do not find that there is any error apparent on the face of record to invoke review jurisdiction. The review petition therefore stands dismissed.

[RAJESH S. PATIL, J.]

[A.S. CHANDURKAR, J.]

RAMESHWAR
LAXMAN
DILWALE

Digitally signed by
RAMESHWAR
LAXMAN DILWALE
Date: 2025.03.07
18:38:46 +0530