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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.1891 OF 2025

MINAL SAMADHAN TANGADE

VS

THE STATE OF MAHARASHTRA, THR. SECRETARY, HOME DEPARTMENT,
MUMBAI AND ORS.

*Office Notes, Office Memoranda of Coram,
Appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr. R.R. Deo, Advocate for the petitioner/s
Ms T.H. Khan, AGP for the respondent Nos.1 to 3/State
Mr. R.S. Kurekar, Advocate for the respondent No.4

CORAM : ANIL S. KILOR AND RAJNISH R. VYAS, JJ.

DATE : 13.11.2025

1. Heard.

2. In the present petition, the order passed by the Maharashtra Administrative Tribunal (Tribunal) dated 23.04.2024, dismissing the Original Application (OA) No.581 of 2023 filed by the petitioner, raising a challenge to the communication, denying the appointment to the petitioner on the post of Police Constable (Driver), is under challenge.

3. After dismissal of the said OA, the petitioner has got knowledge about the appointment of the respondent No.4 herein on the said post, who is admittedly less meritorious than the present petitioner.

4. The petitioner, thus, filed a writ petition No.4415 of

2024, challenging the appointment of the respondent No.4. The said petition was disposed of by this Court vide order dated 23.07.2024, with liberty to the petitioner to approach the learned Tribunal by filing review application.

5. In view of the said order dated 23.07.2024 in Writ petition No.4315 of 2024, the petitioner approached the learned Tribunal by filing the review application under Section 23(3) (f) of the Administrative Tribunals Act, 1985. The same came to be rejected and therefore, this petition.

6. Admittedly, the appointment of the respondent No.4 was not under challenge in the OA No.581 of 2023.

7. The fact of appointment of the respondent No.4 came to be noticed by the petitioner subsequent to the decision on OA. Therefore, according to us, instead of making the review application, the petitioner ought to have filed a substantive original application, raising a challenge to the appointment of the respondent No.4 before the Tribunal.

8. The law as regards the scope of review application is well settled and the prayer, which was not made in OA, cannot be considered by way of review application and therefore, we are of the opinion that ends of justice would be served by disposing of the present petition with liberty

to the petitioner to approach the learned Tribunal afresh, challenging the appointment of respondent No.4 on the grounds as available to the petitioner.

9. Accordingly, we dismiss of the present petition with liberty to the petitioner to approach the learned Tribunal, if she so desires to raise a challenge to the appointment of the respondent No.4 on the grounds that are available to the petitioner.

10. The learned Tribunal is directed not to get influenced by the order passed in review application while deciding a fresh original application, if any, filed by the petitioner.

11. We also permit the petitioner to raise grounds pertaining to the necessity of submission of a Non Creamy Layer Certificate by a female candidate belonging to the Open Category.

12. Accordingly, the petition is **disposed of** in the above terms.

13. All the points are kept open.

(RAJNISH R. VYAS, J.)

(ANIL S. KILOR, J.)