



Andreza

**IN THE HIGH COURT OF BOMBAY AT GOA
CIVIL APPLICATION (REVIEW) NO. 11 OF 2025
IN
WRIT PETITION NO. 599 OF 2022**

Dr. Kashinath L. Dhumaskar, Son of Laxman
Dhumaskar, Indian National, Age 41,
Resident of House no. 833, Vithaldas Vado,
Morjim, Pernem Goa 403612, Email id:
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9765260241

...Applicants/Petitioner

V e r s u s

1. State of Goa, Thr. its Chief Secretary,
Government of Goa, Secretariat, Porvorim.

2. Goa University, Through its Registrar,
Taleigao Plateau, Taleigao, Goa.

3. Dr. Kanchanmala Bharat Deshpande,
House no. B-132 BITS Pilani, K K Birla
Campus, Zuarinagar, Marmugoa, South Goa,
Goa.

4. University Grants Commission (UGC)
Bahadur Shah Zafar Marg, New Delhi 110002. ...Respondents

Mr. Pundalik Raiker, Advocate *for the*
Applicants/Petitioner

Ms. Sulekha Kamat, Additional Government Advocate
holding for Ms. Maria Simone Correia, Additional Government
Advocate *for Respondent no.1-State.*

Ms. A. Agni, Senior Advocate *with Ms. Anamika Rawal,*
Advocate for the Respondent no. 2.

**CORAM: SUMAN SHYAM &
AMIT S. JAMSANDEKAR, JJ**
RESERVED ON : 8th January, 2026
PRONOUNCED ON : 2nd February, 2026

JUDGMENT (*Per SUMAN SHYAM, J.*)

1. This Review Petition has been filed seeking review of the Judgment and Order dated 30.07.2025 passed by a Co-ordinate Bench of this Court (*Bharati Dangre & Nivedita Mehta, JJ*) in Writ Petition No. 599 of 2022 on various grounds. The primary contention of the Review Petitioner is that the case projected by the Writ Petitioner, along with the contentions raised in the Writ Petition, have not been properly considered by the Division Bench, as a result of which, an error apparent on the face of the record has crept in the said order of the Court. Therefore, the Order dated 30.07.2025 calls for review.

2. The Bench, which had passed the Order dated 30.07.2025, is not available. Therefore, the matter has been listed before this Bench as per the available roster. With the consent of the learned Counsel for both sides, this Review Petition has been taken up for disposal today.

3. The basic case of the Review Petitioner is that, on 11.05.2020, the Goa University i.e. Respondent no.2 herein, had published an advertisement notice inviting applications for filling up various posts including the posts of Assistant Professor in the Department of Biochemistry. Two posts of Assistant Professor in the Department of

Biochemistry were reserved for candidates belonging to the OBC category. The Review Petitioner/Writ Petitioner applied for the said posts as an OBC category candidate. Upon conclusion of the selection process, it transpired that the Petitioner had secured 49 out of the total 100 marks thus, falling short of the cut off mark of 50 by 1 mark. Consequently, the Review Petitioner was not selected.

4. By furnishing elaborate reasonings, the learned Division Bench had rejected the prayer of the Petitioner by Order dated 30.07.2025 upon due consideration of the issues raised therein.

5. According to Mr. Raiker, learned Counsel appearing for the Review Petitioner, there was an error on the part of the University to calculate the marks of the Petitioner by adhering to the mandate of the University Regulations, 2018. According to the learned Counsel for the Review Petitioner, had the computation of marks been carried out properly, then in that event, his client would have secured more than 50 marks, thus scoring beyond the cut off marks.

6. It is also the submissions of Mr. Raiker, learned Counsel for the Petitioner, that as per the scheme of the advertisement, his client, being an OBC category candidate, was entitled 5% relaxation of marks, which was also not given to him.

7. Finally, Mr. Raiker has argued that the private Respondent no. 3 was not eligible for being appointed in the post of Assistant Professor in the Department of Biochemistry since she had failed to submit a Residency Certificate within the last date of submission of document which was 11.06.2020. As a matter of fact, according to the Counsel for the Review Petitioner, the Certificate relied upon by the Respondent no. 3 is a forged certificate and, therefore, action needs to be initiated against the Respondent no. 3 on such count alone.

8. Contending that his client has a legitimate expectation of being appointed in the post of Assistant Professor in the Department in Biochemistry, Mr. Raiker submits that if not for the present set of vacancies, the case of the Review Petitioner must be considered against any future vacancy since the vacancies under the advertisement dated 11.05.2020 issued by the University have already been filled up in the meantime.

9. In support of his above arguments, Mr Raiker has relied upon the decision of the Hon'ble Supreme Court rendered in the case of **Vivek Kaisth & anr. vs. State of Himachal Pradesh & Ors**¹.

10. Opposing the submissions made by the learned Counsel for the Petitioner, Ms. Agni, learned Senior Counsel appearing for the

¹ (2024) 2 SCC 269

Respondent no. 2, Goa University, submits that no candidate securing less than 50% marks has been appointed and, therefore, the grievance of the Petitioner is completely misplaced.

11. Insofar as the computation of marks is concerned, Ms. Agni submits that the same has been done strictly in terms of the Goa University Rules as well as the UGC Regulations and Guidelines.

12. Coming to the issue raised by the Review Petitioner regarding the eligibility of Respondent no. 3, here also, Ms. Agni submits that the criteria was of having the eligibility within last date of submission of application i.e. 11.06.2020 and not of submitting documentary proof in respect thereof, which criteria was duly met by the Respondent no.3. The University has uniformly permitted all candidates to submit documents of such eligibility, at a later date. Therefore, there is no ground for this Court to interfere with the appointment of the Respondent no. 3.

13. We have considered the submissions made at the bar and have also gone through the materials available on record. The law on the subject is well settled that the jurisdiction of the Court in a Review Petition is very limited. In the garb of reviewing any order, the Court cannot embark on a rehearing of the Petition on the merits. If the ground of review is an error apparent on the face of the record, such an error must be established on the face of the record, without

earmarking on elaborate hearing of the Petition. Re-hearing of a Petition, so as to figure out an error in the order, would be impermissible in the exercise of review jurisdiction.

14. After examining the submissions made by the learned Counsel for the Writ Petitioner, we find that there is no error apparent on the face of the record so as to justify the review of the Order dated 30.07.2025. Rather, we are of the opinion that in the garb of the review Petition, the Petitioner is seeking to assail the Judgment and Order dated 30.07.2025 on merit. We say so because the grounds taken in the Review Petition are those that can only be urged in an Appeal and not in a Review Petition.

15. There is yet another significant aspect of the matter which cannot be ignored. It is an admitted fact that the vacancies of Assistant Professor in the Department in Biochemistry have already been filled up. The Review Petitioner/Writ Petitioner had applied as an OBC candidate. However, he has not impleaded either of the two OBC candidates who have, in the meantime, been appointed against the two vacancies reserved for the OBC candidates. The Petitioner's Counsel admits that even if the Petitioner succeeds in the Writ Petition, he cannot be accommodated against the vacancies meant for the unreserved category candidate. Therefore, the Respondent no. 3, who has been appointed against an unreserved vacancy, cannot be

displaced by the Review Petitioner. If that be so, entertaining the plea raised by the Petitioner in our view, would be merely an academic exercise, since no relief can be granted to the Petitioner in the facts of the case.

16. The learned Counsel for the Review Petitioner has relied upon the decision of the Supreme Court in the case of **Vivek Kaisth & anr.** (supra), to submit that since the Respondent no. 3 was not eligible to apply for the post as per the cut-off date prescribed by the advertisement notice; her appointment was invalid. However, in view of the clarification issued by the University that the Respondent no. 3 had acquired the eligibility within the cut-off date and it was only that the submission of documentary proof was entertained at a later date, which criteria was uniformly applied by the University, the same cannot be a ground for interfering with the appointment of the Respondent no. 3. That apart, as has been noted herein above, even if her appointment is set aside, the Respondent no. 3 cannot make way for the Review Petitioner who is an OBC category candidate. In view of the above, the decision relied upon by the Petitioner's Counsel in the case of **Vivek Kaisth & anr.** (supra), in our considered opinion, would not be of any assistance to the Petitioner in the facts and circumstances of the present case.

17. Needless to mention herein that the submission of Petitioner's

Counsel that a direction be issued to Respondents to accommodate his client against a future vacancy also cannot be accepted in a Review Petition since the dispute involved in the Writ Petition was pertaining to the vacancies which were advertised by the Goa University vide advertisement notice dated 11.05.2020. Upon issuance of the appointment orders to the selected candidates, the said process has now come to an end.

18. For the reasons stated above, we find that the Review Petition is devoid of any merits and the same is dismissed. No order as to costs.

AMIT S. JAMSANDEKAR, J.

SUMAN SHYAM, J.