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

**REVIEW PETITION (ST.) NO. 14236 OF 2007
IN
WRIT PETITION NO. 4612 OF 2003**

Mr. Narsinh Manya Bapu Bhosale. ... Petitioner.

V/s.

The State of Maharashtra & Anr. ... Respondents.

Mr. M.D. Lonkar with Ms. Leena Patil for the Petitioner.
Mr. Nitin Deshpande, AGP for the Respondents.

**CORAM : DR. D.Y. CHANDRACHUD &
A.A. SAYED, JJ.**

30 NOVEMBER 2011.

P.C. :-

By the Review Petition, the Petitioner seeks a review of the order passed by a Division Bench consisting of Chief Justice K.R. Vyas and one of us (Dr. D.Y. Chandrachud,J.) on 25 April 2006. The Division Bench set aside an order of the Maharashtra Administrative Tribunal dated 23 March 2001 directing that the Review Petitioner be promoted to the post of Police Inspector from the date when his juniors came to be promoted. In the order of this Court dated 25 April 2006, the

Division Bench came to the conclusion that the Tribunal had substituted its own view for the view of the Reviewing Officer for 1997-98. This Court noted that for the period between 22 September 1997 and 3 February 1998, the Reviewing Officer had issued an adverse remark against the Petitioner. Be that as it may, this Court noted the statement of the learned AGP that the Petitioner had already been promoted subsequently to the post of Police Inspector on 19 November 2001 in pursuance of a review DPC. The Petitioner had been served with a notice which was issued by the Court prior to the Petition being disposed of on 25 April 2006. The Advocate for the Petitioner was however not present before the Court as the record would indicate.

2. At the hearing of the Review Petition, Counsel appearing on behalf of the Petitioner submitted firstly that there is an error apparent inasmuch as according to the Petitioner, the Tribunal has not substituted its own view for the view of the DPC. There is no merit in this submission. Ex-facie, the order of the Tribunal would indicate that it has substituted its own view for the view which was taken by the DPC. Learned

Counsel then submitted that since the Petitioner has been promoted to the post of the Police Inspector by following the Review DPC on 19 November 2001, the Petitioner may be given liberty to pursue his representation with the State Government in regard to the fixation of an appropriate date with the Competent Authority.

3. We find that the request is reasonable and fair. We accordingly dispose of the Review Petition and while we decline to recall the order dated 25 April 2006, we permit the Petitioner to pursue the representation, if any, that he may seek to file in regard to the fixation of an appropriate date for promotion. In the event, such a representation is made, the State Government shall consider the same in accordance with law.

(Dr. D.Y. Chandrachud, J.)

(A.A. Sayed, J.)