

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI BENCH
REVIEW APPLICATION NO. 8 OF 2020
IN
ORIGINAL APPLICATION NO 399 OF 2018**

DISTRICT : SANGLI

Shri Pravin Vilas Korpale,)
Occ : Nil, R/o: Plot No. 16,)
Mazi Sainik Vasahat, Miraj,)
Yashoda Nawasa, Miraj Maruti Mandir,)
Miraj, Dist-Sangli.)...**Applicant**

Versus

1. The State of Maharashtra)
Through Addl. Chief Secretary,)
General Administration Department,)
Mantralaya, Mumbai.)
2. General Administration Dept,)
Through the Principal Secretary,)
Public Health Department,)
Mantralaya, Mumbai 400 032.)
3. The Commissioner of Public Health)
Care/Directorate of Mission,)
National Health Mission, Mumbai)
4. The Deputy Director of Health Care,)
Pradeshik Monorugnalay Awar,)
Thane (West), Thane 400 604.)...**Respondents**

Shri Anand Awasarmol, learned advocate for the Applicant.

Ms Archana B.K, learned Presenting Officer for the Respondents.

**CORAM : Justice Mridula Bhatkar (Chairperson)
Mrs Medha Gadgil (Member) (A)**

DATE : 10.03.2022

PER : Justice Mridula Bhatkar (Chairperson)

J U D G M E N T

1. By this Review Application, the applicant seeks to review the Judgment and order dated 14th January, 2020 passed in O.A 399/2018.

2. Learned counsel for the applicant submits that the applicant who has applied for the post of Staff Nurse claims that he has not applied for the post of Part Time Staff Nurse, but he has applied in the category of N.T (C).

3. Learned counsel for the applicant submits that there is an error apparent on the face of the record in the order passed by this Tribunal and therefore, he has moved this application for review of its order. Learned counsel for the applicant submitted that the applicant has applied for the post of Staff Nurse, pursuant to the advertisement of 2017 for which the examination was conducted on 8.1.2017. He has secured 116 marks in N.T(C) category and he was topper amongst 11 candidates in N.T (C) category. He further submitted that the said result of 28.4.2017 was subsequently revised by the Respondents on 19.7.2017 and some other candidate from N.T (C) category who had earlier secured 114 marks has now secured 118 marks and therefore was shown higher in the rank than the applicant. Learned counsel for the applicant further submitted that the applicant has not applied in the Part Time category, but the Member (A) of this Tribunal has considered that he has applied in the category of Part time Staff Nurse and has not taken into account the submissions of the learned counsel for the applicant that the applicant in fact had applied from N.T(C) category.

4. Learned P.O while opposing this Review Application has submitted that the documents which were produced by the Respondents including the Application Form and the documents produced by the applicant were duly considered by the Tribunal and the application was rejected after evaluating the submissions of both the parties.

5. Perused the order of the Tribunal. It is found that the Tribunal has considered the application made by the applicant after going through the application has held that the applicant has made the application in the category of Part Time Staff Nurse. It is also observed that the candidate Shri Patil Shivswaraj Shahaji has secured higher marks. In the order, the Tribunal has also made reference of the successful candidate who has secured 118 marks after revaluation of the marks. Thus, we do not find any scope of review in view of the parameters under Order 47 of the Civil Procedure Code. Further, the applicant chose not to go in appeal and filed the present application seeking review of the order of this Tribunal.

6. In view of the above, we do not find any merit in the Review Application and the same is dismissed.

Sd/-
(Medha Gadgil)
Member (A)

Sd/-
(Mridula Bhatkar, J.)
Chairperson

Place : Mumbai
Date : 10.03.2022
Dictation taken by : A.K. Nair.