



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD.

REVIEW APPLICATION (ST.) NO.6523 OF 2026
IN
WRIT PETITION NO.3985 OF 2019

Madan Krushnaji Saitwal

Age : 61 years, Occu : Service,

R/o. Ratha Gali Raver, Tq. Raver,

Dist. Jalgaon

.. Applicant

Versus

1. The State of Maharashtra
Through Secretary,
School Education Department,
Mantralaya, Mumbai – 32.

2. Deputy Director of Education
Nashik Division, Nashik

3. The Education Officer (Primary)
Zilha Parishad, Jalgaon

4. The President,
Shiv Prathisthan Raver,
Tirupati Nagar, Raver, Tq. Raver,
Dist. Jalgaon

5. The Head Master,
Saraswati Vidya Mandir, Raver,
Tq. Raver, Dist. Jalgaon

... Respondents

...

Shri. A. R. Syed, Advocate for the Applicants

Shri. S. B. Pulkundwar, AGP for the State.

Shri. S. R. Dheple, Advocate for Respondent No.3 in W.P.

Shri. M. M. Bhokarikar, Advocate for Respondent Nos.4 and 5 in W.P.

.....

WITH

CIVIL APPLICATION NO.5705 OF 2026

IN

REVIEW APPLICATION (ST.) NO.6523 OF 2026

IN

WRIT PETITION NO.3985 OF 2019

.....

**CORAM : KISHORE C. SANT
AND
ABASAHEB D. SHINDE, JJ.**

Reserved on : 21.08.2026

Pronounced on : 01.10.2026

ORDER (PER: ABASAHEB D. SHINDE, J.) :-

IN CIVIL APPLICATION :

. Heard learned Counsel for the Applicant, learned AGP for the State and learned Counsel for Respondent Nos.4 and 5.

2. For the reasons stated in the Civil Application, the same is allowed in terms of prayer clause 'B'. The delay of 37 days caused in filing Review Application is condoned.

IN REVIEW APPLICATION :

3. The Original Writ Petitioner is seeking review of common order dated 22.12.2025 passed by this Court in Writ Petition Nos.3985 of 2019, 5400 of 2020 and 7789 of 2020 thereby dismissing all the Writ Petitions.

4. Though the present Applicant had filed two Writ Petitions bearing Nos.3985 of 2019 and 5400 of 2020, he has filed Review Application only in Writ Petition No.3985 of 2019.

5. So far as Writ Petition No.3985 of 2019 is concerned, it was filed by the present Applicant (Orig. Petitioner) thereby contending that, he was serving as Junior Clerk with the Respondent No.5 – School. His

services were terminated on 11.07.2005 by Respondent No.5 - School. He challenged the said termination before the School Tribunal, Nashik (hereinafter called as the "Tribunal") by filing Appeal bearing Appeal No.J.A.L./18/2005. The Tribunal by Judgment and order dated 11.08.2008 allowed the said Appeal by setting aside his termination thereby directing the Respondent No.5 to reinstate him in service and pay all the benefits attached to the post from the date of termination of his services. The said order of the Tribunal was unsuccessfully challenged by the Respondent No.5 before this Court.

6. The Respondent No.5 reinstated the Petitioner and submitted the proposal for grant of approval to his services. The Education Officer by order dated 24.07.2018 though approved the services of the Petitioner, however instead of initial appointment the same was approved from the date of his reinstatement. The Petitioner therefore approached this Court by filing Writ Petition No.3985 of 2019 thereby seeking following reliefs:

"C) This Honourable Court may be pleased to issue appropriate writ, order or directions against the respondents to correct the date of appointment as 03.06.1998 instead of 11.07.2005 in approval issued by the respondent no.3 dated 24.07.2018 (Exh-G) and award the consequential benefits by considering the date of appointment as 03.06.1998.

D) This Honourable Court may be pleased to issue writ order or directions to the respondents to consider the date of appointment of the petitioner as 03.06.1998 for all purposes and in service record.

E) This Honourable Court may be pleased to issue writ order or directions to the respondents to consider the date of

appointment of the petitioner as 03.06.1998 and calculate and release the salary admissible to the post of clerk.”

7. This Court perused the operative order passed by the Tribunal, which reads thus:

“आदेश

1. अपील मंजूर करण्यात येत आहे.
2. संस्थेच्या व्यवस्थापनाचा आदेश दिनांक 11.07.2006 ज्याद्वारे अपेलंटची सेवा समाप्त करण्यात आलेली आहे. बेकायदेशीर असून रद्दबातल करण्यात येत आहे.
3. जाब देणार कमांक 1 ते 4 यांना आदेशीत करण्यात येते की अपेलंट यास पुर्ववत लिपिक पदावर सेवेत रुजू करून घेण्यात यावे आणि सदर पदास अनुज्ञेय असलेले सर्व फायदे (वेत, भत्ते, नियमीत सेवा वगैरे) सेवा समाप्तीच्या तारखेपासून अपेलंट यास प्रदान करण्यात यावे. या आदेशाचे अनुपालन जाब देणार कमांक 1 ते 4 यांनी या आदेशाच्या तारखेपासून 40 दिवसांचे आत करावे.”

8. After perusing the operative order passed by the Tribunal, this Court held that, the Petitioner is entitled for the monitory benefits and continuity in service only from the date of his termination, meaning thereby for all practical purposes, whatever service the Petitioner had rendered before the date of his termination was neither recognized nor directed to be considered. This Court, therefore, dismissed the Writ Petition finding no fault with the order passed by the Education Officer.

9. Learned Counsel for the Applicant submits that, in the light of dismissal of Writ Petition, the Petitioner would not be entitled for any service benefits as the aforesaid observations of this Court while dismissing the Writ Petition would come in the way of the Petitioner. He

therefore urge that, the order deserves to be reviewed.

10. The submissions advanced by the learned Counsel for the Review Applicant are more or less repetitions of the submissions which have been extensively heard and considered by this Court while dismissing the Writ Petition. Though learned Counsel for the Petitioner would urge that, he at the time of hearing of the Writ Petition intended to rely on the notes of arguments, which seems to have not been considered in the order under review, however we are not impressed by the said submissions. We find that, the Petitioner did not challenge the order passed by the Tribunal and having accepted the same, he is precluded from making any grievance in that regard. Even otherwise, as observed by this Court while dismissing the Writ Petition that, the Petitioner rendered pensionable services and, on his superannuation, he is receiving pension. The submission of the learned Counsel for the Review Applicant therefore is devoid of any substance.

11. The scope of review has been underscored by the Hon'ble Apex Court in the case of *Arun Dev Udadhya Vs. Integrated Sales Service Ltd And Anr.; (2023) 8 SCC 11* and more particularly in paragraphs 29 to 35, which read thus:-

“29. A three-Judge Bench of this Court comprising of Hon'ble Shri S.R. Das, C.J., M. Hidayatullah and Shri K.C. Das Gupta, JJ. in Satyanarayan Laxminarayan Hegde v.

Millikarjun Bhavanappa Tirumale [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10 : AIR 1960 SC 137], discussed the scope of the phrase "error apparent on the face of record". The challenge before this Court in the said case was the judgment [Mallikarjun Bhavani Tirumale v. Satyanarayan Laxminarayan Hegde, 1952 SCC OnLine Bom 82] of the High Court on the ground whether it suffers from an error apparent on the face of the record. The High Court had issued a writ of certiorari and had quashed order of the Tribunal and restored that of the Mamlatdar. In para 8 of the Report, the issue which was to be considered is reflected. The same is reproduced hereunder : case (Satyanarayan Laxminarayan Hegde [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10: AIR 1960 SC 137], AIR p. 139, para 8)

"8. The main question that arises for our consideration in this appeal by special leave granted by this Court is whether there is any error apparent on the face of the record so as to enable the superior court to call for the records and quash the order by a writ of certiorari or whether the error if any, was 'a mere error not so apparent on the face of the record', which can only be corrected by a appeal if an appeal lies at all."

30. After discussing the relevant material on record, the conclusion is stated in para 17 of the report. The view was that where an error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions, can hardly be said to be an error apparent on the face of the record. The view that long-drawn process of arguments to canvass a point attacking the order in a review jurisdiction, cannot be said to be an error apparent on the face of record. Relevant extract from para 17 of the Report is reproduced hereunder : (Satyanarayan Laxminarayan Hegde case [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10: AIR 1960 SC 137], AIR pp. 141-42)

"17. ... Is the conclusion wrong and if so, is such error

apparent on the face of the record? If it is clear that the error if any is not apparent on the face of the record, it is not necessary for us to decide whether the conclusion of the Bombay High Court on the question of notice is correct or not. An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. As the above discussion of the rival contentions show the alleged error in the present case is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments. We do not think such an error can be cured by a writ of certiorari according to the rule governing the powers of the superior court to issue such a writ. In our opinion the High Court was wrong in thinking that the alleged error in the judgment of the Bombay Revenue Tribunal viz. that an order for possession should not be made unless a previous notice had been given was an error apparent on the face of the record so as to be capable of being corrected by a writ of certiorari."

31. *Another case which may be briefly dealt with is Parsion Devi v. Sumitri Devi [Parsion Devi v. Sumitri Devi, (1997) 8 SCC 715], where, this Court ruled that under Order 47 Rule 1CPC, a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. It also observed that a review petition cannot be allowed to be treated as an appeal in disguise.*

32. *A series of decisions may also be referred to wherein, it has been held that power to review may not be exercised on the ground that decision was erroneous on merits as the same would be the domain of the court of appeal. Power of review should not be confused with appellate powers as the appellate power can correct all manners of errors committed by the subordinate courts. The following judgments may be referred:*

(1) Shivdev Singh v. State of Punjab [Shivdev Singh v. State of Punjab, 1961 SCC OnLine SC 29: AIR 1963 SC

1909]

(2) *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [*Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, (1979) 4 SCC 389: AIR 1979 SC 1047]

(3) *Meera Bhanja v. Nirmala Kumari Choudhury* [*Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170]

(4) *Uma Nath Pandey v. State of U.P.* [*Uma Nath Pandey v. State of U.P.*, (2009) 12 SCC 40: (2010) 1 SCC (Cri) 501]

33. Recently, this Court in a judgment dated 24-2-2023 passed in *S. Murali Sundaram v. Jothibai Kannan* [*S. Murali Sundaram v. Jothibai Kannan*, (2023) 13 SCC 515: 2023 SCC OnLine SC 185], observed that even though a judgment sought to be reviewed is erroneous, the same cannot be a ground to review in exercise of powers under Order 47 Rule 1CPC. Further, in *Perry Kansagra v. Smriti Madan Kansagra* [*Perry Kansagra v. Smriti Madan Kansagra*, (2019) 20 SCC 753], this Court observed that while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114CPC, the review court does not sit in appeal over its own order.

34 In another case between *Shanti Conductors (P) Ltd. v. Assam SEB* [*Shanti Conductors (P) Ltd. v. Assam SEB*, (2020) 2 SCC 677: (2020) 2 SCC (Civ) 788], this Court observed that scope of review under Order 47 Rule 1 read with Section 114CPC is limited and under the guise of review, the petitioner cannot be permitted to reargue and reiterate questions which have already been addressed and decided. It was further observed that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record.

35. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order 47 Rule 1CPC. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.”

12. Applying the aforesaid ratio to the case in hand, we are of the view that there is no error apparent on the face of record. It is settled position of law that, while dealing with the Review Application the Court does not sit in appeal over its own order, nor it can be allowed to be converted into an appeal in disguise. In that view of the matter, no case for review is made out by the applicant. The Review Application being devoid of merit is rejected.

(ABASAHEB D. SHINDE, J.)

(KISHORE C. SANT, J.)

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