

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

**REVIEW APPLICATION NO.149 OF 2010
IN
WRIT PETITION NO.1991 OF 2004**

Vitthalsingh S/o. Narayan Maher, **...APPLICANT**

VERSUS

The State of Maharashtra **...RESPONDENTS**
and others

**WITH
REVIEW APPLICATION NO.80 OF 2010
IN
WRIT PETITION NO.1921 OF 2004**

Prithwiraj S/o. Gulabsing Parihar, **...APPLICANT**

VERSUS

The State of Maharashtra **...RESPONDENTS**
and others

Mr.M.S.Deshmukh, Advocate for the applicants.
Mr.A.R.Kale, AGP for the respondents/State.

**CORAM : A.V.NIRGUDE &
V.K.JADHAV, JJ.
DATED : 15.10.2015**

P.C. :-

1. Heard learned Counsels for the parties.
2. Both the Review Applications arise from the judgment dated 19.12.2008 which was delivered in common

for deciding Writ Petition No.1991/2004 and Writ Petition No.1921/2004. The learned Counsel for the applicants tried to convince us that there is an error apparent on record and that error had affected the final order which partly favour the applicants.

3. The facts leading to this litigation are as under:-

The applicants were Craft Teachers in Special school for Deaf and Dumb. The scheme for providing Government help was coordinated in Government Resolution. The Government Resolution provided that the Government would consider the condition of the school and give license to run the school on yearly basis during such license period. The Government agreed to give salary grants also. In this case it is an admitted fact that the school was given license for a period of 1996 to 1999. The school was given salary grants. The grievance of the applicants was that they were not given appropriate salary for the period between 1996 to 1999. They also made a grievance that they were not given salary after 1999 till the date of petition which was filed in 2004. In addition to the facts mentioned above there is no dispute between parties about following facts.

4. The school was given license for years 2001 to

2003 (two academic years). The school was even supplied salary grants admittedly for these two years. The Government supplied salary grants for seven Teachers and the Government excluded the salary grants payable to the Management for disbursing the salary to the present applicants. The Government has given reason why the payment of grants was deferred at that time. It is stated in the affidavit that certain petitions were filed challenging the earlier approval of the appointments of the present applicants. The applicants grievance that they were not paid salary for the year 2001 to 2003 was in a way admitted by the Government offering explanation that since the certain petitions were pending the salary grants payable to the applicants were not released. While deciding the Writ Petitions apparently our learned Predecessors simply ignored the period between 2001 to 2003 viz the applicant's demand for salary for that period. Our learned Predecessor held that for the period between 1996 to 1999 the Government had already paid the salary and if the Management mishandled such grants the Government cannot be saddled with additional burden. But while writing the judgment under review apparently what happened for the period between 2001 to 2003 was simply forgotten. This in our view is an error apparent on record. What was required to be done at that time was justifiable directing the Government to decide the

question of approval for appointments of the applicants for a period of 2001 to 2003 and take necessary steps. Such an order ought to have been passed, which was not passed mainly because this period was not taken into account separately by our learned Predecessor. As said above this was an error apparent on record and we must correct it to remove injustice caused to the applicants.

5. The Review is therefore partly allowed. The State Government is directed to consider the proposals sent by the Management for giving approval to the appointments of the applicants for a period between 2001 to 2003 (two academic years) and whether they were entitled to salary etc?. This shall be done within six weeks from today. Earlier order of costs stands withdrawn. The Office is directed to refund the amount deposited by the State of Maharashtra.

In view of this both the review applications stand disposed of.

[V.K.JADHAV, J.]

[A.V. NIRGUDE, J.]