

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

**CIVIL APPLICATION NO. 3861 OF 2015
IN
REVIEW APPLICATION (ST) No. 6709 OF 2015
IN
WRIT PETITION NO. 248 OF 2015**

Shri Gahininath Seva Mandal Bavi,
Tq. Asthi, Dist. Beed, through its
President ... Applicant

Versus

The State of Maharashtra
& others ...
Respondents

.....
Mr. V.M. Chate, Advocate for Applicant
Mr. S.A. Ambad, AGP for respondent /State
Mr. Abhijeet Choudhari, Advocate for respondent No. 3
.....

CORAM : RAVINDRA V. GHUGE, J.

DATED : 27th MARCH, 2015

PER COURT :

1. I have heard the learned Advocates for both the sides.
Delay of four days in preferring the review application is condoned
and the Civil Application is allowed.
2. By the consent of the parties, I have heard both the sides on
the review petition itself.

3. It is an admitted position that the School Tribunal while dealing with the application Exhibit 22 (production of documents) in Appeal No. 24 of 2012 had delivered its order dated 19-11-2014. Same was subject matter of challenge in Writ Petition No. 248 of 2015. By order dated 27-01-2015, the petition was partly allowed, the order impugned dated 19-11-2014 was modified with the following directions :-

“ The petitioner shall produce the documents at clauses (a), (b), (c), (f), (g) and (i) for the year 2002 onwards till 2014 before the School Tribunal.”

4. The applicant contends that an error has crept into the order of this Court passed in Writ Petition only as regards clause (a), (f) and (g).

5. According to Shri Chate, the Tribunal while passing the order below Exhibit 22 dated 19-11-2014 had directed the management to produce the original muster roll of the school where the appellant was working. This Court, while upholding the impugned order to that extent has observed that the documents in clause (a) will have to be produced.

6. Similarly, in so far as clause (f) of Exhibit 22 is concerned, the service books of all the employees were not directed to be

produced. The service book of the appellant alone was to be produced. This Court had observed that documents at clause (f) be produced.

7. So also, in clause (g) of Exhibit 22 whereby the employee had sought details of the bank accounts of three schools and the Trust, the Tribunal had rejected the said request and the employee has not preferred any challenge. This Court had directed the production of bank accounts, when in fact the Tribunal had disallowed the said request .

8. Shri Chate, learned Advocate, therefore, submits that paragraph Nos. 5 & 6 of the order under review deserve to be modified as the error is apparent on the face of the record.

9. Learned Advocate Shri Abhijeet Choudhari has assisted the Court and indicates that paragraph Nos. 5 & 6 of the order passed by this Court dated 27-01-2015 could be modified.

10. In the light of the above, the review petition is allowed. Paragraph Nos. 5 & 6 of the order dated 27-01-2015 passed by this Court in Writ Petition No. 248 of 2015 stands reviewed and shall read as under :-

“5. With due circumspection I find that that the documents sought for and allowed by the School Tribunal as per clauses (a), (b), (c), (f) and (i) from the year 2002 onwards till 2014 would be germane to the cause of action. Documents at clauses (e), (g) and (h) are not required. The documents at clause (a) are restricted to the school in which the appellant was working and clause (f) is restricted to the extent of the appellant alone.”

11. In the light of the above, this petition is partly allowed. The impugned order is modified as per paragraph No. 5 here-in-above. No costs.

(RAVINDRA V. GHUGE, J.)