

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

REVIEW APPLICATION ST NO. 12712 OF 2013

VIJAY RAMESH BHALERAO
VERSUS
SADHANA JANARDHAN JADHAV AND OTHERS

...
Advocate for Applicant : Mr. P.R. Katneshwarkar
Advocate for Respondent 1 : Miss. Surekha Mahajan
Advocate for Respondent 4 : Mr. P.M.Nagargoje

...
CORAM : R. M. BORDE & V.K. JADHAV, JJ.
Dated: March 25, 2015

...

PER COURT :-

1. We have perused the order passed by the Division Bench on 5.12.2012. While allowing the Letters Patent Appeal presented by the respondent herein, directions have been issued to include the name of the review applicant in the list of surplus teachers and take further steps in respect of his absorption in accordance with his seniority. In fact, the Division Bench, while allowing the appeal, presented by the respondents have shown indulgence to the applicant herein and issued directions for enlisting his name in the list of surplus teachers. The applicant herein who was holding the post which ought to have been occupied by the appellant in the LPA. However, it appears that the Division Bench has taken a lenient view and directed accommodation of the respondent No.4 in the Letters Patent Appeal i.e. applicant herein. We do not find that the applicant has any

independent right to claim the post. The grounds which are being urged in the Review application are in the nature of objections which are required to be dealt with by an Appellate Court. This Court dealing with the review application is not performing the functions of the appellate Court. The review application cannot be considered as an appeal in disguise. It is also not a matter of dispute that review applicant has approached the Supreme Court and Special Leave Petition presented by him has been rejected in limine. Review application is devoid of substance hence stands rejected.

2. Pending Civil Applications stand disposed of.

(V.K. JADHAV, J.)

(R. M. BORDE, J.)

...

aaa/-