

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

**REVIEW APPLICATION NO. 15 OF 2009
IN
WRIT PETITION NO. 3093 OF 2007**

Magan Shah Education Society .. Applicant

Versus

Ruqayya Mohd. Yusuf Ansari & Ors. .. Respondents

Mr. Hemant Surve, Advocate for the applicant.

Mrs.M.S. Patni, A.G.P. for respondent/State.

**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATED : 23.06.2015

P.C. :-

1. This application seeks review of judgment and order passed by this Court on 08.04.2008 in Writ Petition No.3093 of 2007 in which the applicant was respondent No.3. The petitioner in that case was one Ruqayya, who claimed that she was employee with the applicant education society as a teacher and was not paid salary. The Court allowed all the parties to raise objection to this claim. The applicant society submitted a detailed affidavit in which it was indicated that the petitioner-

Ruqayya was not employee of the school. It was also pointed out that since this was money claim, she should be asked to go to Civil Court. The Court, however, rejected this submission on the basis of prima facie evidence which came on record. The evidence showed that Ruqayya was working in the school as Assistant Teacher from 1996 till 31.08.2006. The Court also came to the conclusion on the basis of evidence that Ruqayya was paid salary up to September, 2004 and therefore the Court held that the applicant and others were liable to pay salary to Ruqayya for the period between September, 2004 to 31st August, 2006.

2. Learned Counsel for the applicant vehemently asserted that the order under review was fraudulently obtained by Ruqayya. He was trying to show us a circumstance which was not taken into account earlier. He showed us that Ruqayya's proposal was sent for approval to the Education Officer but the same was

rejected way-back and therefore there was no question of Ruqayya's employment in the applicant's school.

3. We are afraid, we cannot go into this aspect because the Court had appreciated the evidence which came before it in a particular manner. We cannot now sit in judgment over impugned judgment. The petitioner has to challenge the correctness of this judgment before proper forum. The review application is, therefore, not permissible. The Review Application stands rejected.

[A.M. BADAR,J.]

[A.V. NIRGUDE,J.]