

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

REVIEW APPLICATION STAMP NO.34694 OF 2014 IN
WRIT PETITION NO.7346 OF 2011

Madhav s/o Arjun Bhosale ... APPLICANT

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....
Shri D.A. Mane, Advocate for applicant
Mrs. Y.M. Kshirsagar, A.G.P. for State
.....

CORAM: S.V.GANGAPURWALA &
A.I.S. CHEEMA, JJ.

DATED: 27th March, 2015.

ORAL ORDER :

1. Mr. Mane, learned counsel for the review applicant states that this Court in para No.7 of the order dated 18.9.2014, passed in Writ Petition No.7346/2011 observed that for three years i.e. from 1996-97, 1997-98 and 1998-99, the petitioner was appointed in the D.Ed. pay scale. Even approval was also granted to the said appointment. Petitioner, at that time did not make any

grievance, on the contrary, given an undertaking that he will not claim B.Ed. pay scale. The learned counsel submits that, the representations were made in the year 1998, however, no cognizance was taken by the respondents. As such, the observations made by this Court in para 7 of the judgment that no grievance was made earlier, is not correct. The learned counsel submits that, even the management claimed that the respondent teacher is appointed in the B.Ed. pay scale and as such, the petitioner cannot be paid. The petitioner is appointed from the reserved category. The respondent teacher is appointed from open category. As such, it cannot be said that the said teacher is appointed in place of the petitioner.

2. We have considered the submissions. The documents attached with this review application at Exhibits B and C were not part of record of the writ petition. For the first time they are sought to be produced in the review application. The fact of the said application being received by the respondent to whom it has been addressed is also not substantiated by any acknowledgement. If the said documents were not part of record in writ petition, it cannot be said that there is any error apparent on the face of

record, moreover that was not the sole ground for dismissing the writ petition. It was also observed that the petitioner was appointed in the D.Ed. pay scale. He accepted the appointment in the D.Ed. pay scale and even the approval was granted by the Education Officer in the D.Ed. pay scale and subsequently, from the year 2008 the petitioner is awarded B.Ed. pay scale.

3. Considering above, nothing for review is made out. Review Application, as such, is rejected. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)