

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

M.C.A.NO. 220/2013 IN W.P.NO. 5836/2012.

Gajanan Narayan Gonnade

VERSUS.

State of Maharashtra and others.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND P. B. VARALE, JJ.

DATE : FEBRUARY 20, 2015.

Heard Shri B.M. Kharkate, learned
Counsel for the applicant/petitioner, learned A.G.P. for
respondent nos. 1 and 4 and Shri M.I. Dhattrak, learned
Counsel for respondent no.4.

By placing reliance upon recent Full Bench
judgment in case of Arun Vishwanath Sonone .vrs.
State of Maharashtra and others (2015 (1) Mh.L.J.

457) and judgment of Hon'ble Apex Court in the matter of Shalini Dalal .vrs. New English High School, looked into therein, Shri Kharkate, learned Counsel submits that the view taken by this Court on 03.01.2013, cannot be said to be correct. He submits that review applicant/petitioner was 40 years old at the time of his termination in the year 2013. He therefore, request the Court to review the order and consider entitlement of applicant/petitioner for protection in employment.

Shri Dhattrak, learned counsel appearing for respondent no.4 is opposing the submission. He states that law then prevailing has been correctly appreciated and merely because Full Bench judgment in case of Ganesh Rambhau Khalale vs. State of Maharashtra (FB),AIR 2009 Bom. 122. is found not correct in recent Full Bench judgment in case of Arun Sonone (supra), review cannot be prayed for.

After hearing the respective counsel, we find that a request for protection was made by the petitioner in the light of judgment mentioned supra. That request has been considered and Full Bench

judgment then holding the field has been applied. That Full Bench judgment is found to be not correct in later Full Bench judgment in case of Arun Sonone (supra). This later Full Bench by itself cannot be a ground to seek review of earlier orders of this Court. As such, without observing anything on the merits of the controversy and with liberty to review applicant / petitioner to take such other steps as are available in law, we dispose of the present review application. No costs.

JUDGE

JUDGE

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