

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
NAGPUR BENCH : NAGPUR

**CAO NO. 1587/2015 IN MCA ST. NO. 16134 OF 2015 IN**  
**WRIT PETITION NO. 242 OF 2012**

(Late Indira Gandhi Shikshan Sanstha thr. its Secretary & Ors. vs. Ku. Sheela Bhabhutsingh Thakur)  
( Ku. Sheela Bhabhutsingh Thakur - applicant)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI, J.**  
**SEPTEMBER 04, 2015.**

Heard Shri Patil, learned counsel for the applicant – original Respondent No. 1 in the writ petition.

Original Respondent No. 1 in Writ Petition No. 242 of 2012 seeks review of judgment dated 13.04.2015. As the application for review is filed after the expiry of period of limitation, Civil Application (O) No. 1587 of 2015 is taken out for its condonation.

Before issuing notice on prayer for condonation of delay and in order to find out whether there is any merit in the prayer for review, I have heard Shri Patil, learned counsel.

Shri Patil, learned counsel invites attention to the observations in paragraph 10 of the judgment dated 13.04.2015 to submit that the policy of granting Schools on permanent no grant basis has come into existence only on 24.11.2001 and it was withdrawn by Government Resolution dated 20.07.2009. The applicant got knowledge of this position later on and, therefore, review has been filed. He states that the employee –

applicant was terminated prior to said date and hence when she was terminated, the policy of allowing Schools on permanent no grant basis was not in existence at all.

In paragraph 10 of its judgment, this Court has noted that merely because School was not receiving grant in aid, when it started functioning, the School Tribunal had recorded a finding in favour of the employee. The employee started working on 28.06.1993 and the question was whether this School was started on permanent no grant basis or was to receive grant in aid in future. In this background, it is noted that even order granting recognition and approval to said School was not on record. As the judgment of the School Tribunal dated 22.02.2011 was found not considering these aspects, the matter was required to be sent back. Thus, the School Tribunal has to find out whether the School was started or could have been started on permanent no grant basis or then it was to receive grant in aid in future. Thus, the Government Resolution dated 20.07.2009 can be pressed into service before the School Tribunal by the applicant (Respondent No. 1) in writ petition.

As such, there is no need to review the judgment dated 13.04.2015. Therefore, both the applications are disposed of. No costs.

**JUDGE**