

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

**REVIEW APPLICATION NO. 101 OF 2014
IN
WRIT PETITION NO. 4988 OF 2007**

Prakash Prabhakar Rampure .. Applicant

Versus

Suresh Sambhaji Somwanshi and others .. Respondents

Shri Amit A. Mukhedkar, Advocate for the Applicant.
Shri V. D. Gunale, Advocate for Respondent Nos. 2 and 3.
Shri N. B. Patil, A.G.P. for Respondent Nos. 5 and 6.

**CORAM : S. V. GANGAPURWALA, J.
DATE : 05TH AUGUST, 2016.**

PER COURT :

. Mr. Mukhedkar, the learned counsel for the review applicant submits that the matter was compromised between the present review applicant and the respondent No. 1. This Court had passed the order pursuant to the same and disposed of the writ petition, however, no orders are passed with regard to prayer clauses 'B' and 'C'. The same was not considered while disposing of the writ petition. By virtue of the said order referred to in prayer clauses 'B' and 'C', the services of the review applicant are terminated.

2. Mr. Gunale, the learned counsel submits that, when the writ petition was disposed of all the prayers were deemed to have been considered. Subsequent developments have taken place, because of the disposal of the writ petition. According to the learned counsel, this Court had considered all the aspects of the matter while disposing of the writ petition.

3. In the Writ Petition No. 4988 of 2007, the present review applicant/original writ petitioner had challenged the order of the School Tribunal issued in favour of the respondent No. 1. So also had challenged the order terminating the services of the petitioner. Compromise was arrived at between present review applicant and the respondent No. 1 to the extent that the respondent No. 1 agreed to withdraw the appeal before school tribunal itself. This Court recorded the same and disposed of the writ petition, however, did not pass any orders with regard to prayer clauses 'B' and 'C' of the writ petition, nor there is discussion about the same in the order under review. There appears to be error apparent on the face of record.

4. Mr. Gunale, the learned counsel submits that, the review applicant had filed appeal before the school tribunal against the order of termination and he has withdrawn the same. This fact is suppressed by the review applicant in the writ petition. The respondent Nos. 2 and 3 can agitate this point at the time of hearing of the writ petition.

5. In the light of the above, the order dated 22nd October, 2013 in Writ Petition No. 4988 of 2007 is recalled and Writ Petition No. 4988 of 2007 is restored to its original position. Place the writ petition before the appropriate Court. The review application accordingly is disposed of.

[S. V. GANGAPURWALA, J.]

bsb/August 16