

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**REVIEW PETITION (ST.) NO. 25538 OF 2008
IN
LETTERS PATENT APPEAL NO. 34 OF 2007
IN
WRIT PETITION NO. 5941 OF 2006
WITH
CIVIL APPLICATION NO. 44 OF 2009
IN
REVIEW PETITION (ST.) NO. 25538 OF 2008**

The President/Secretary, Shradha Shikshan ... Petitioners/
Sanstha Dapoli, Dist. Ratnagiri & Anr. Applicants.

V/s.

Shri Vitthal Krishna Sutar & Anr. ... Respondents.

Mr. A. A. Garge, Advocate for the Petitioners/ Applicants.
None for the Respondents.

**CORAM : V. M. KANADE AND
MRS.SWAPNA JOSHI,JJ.**

DATE : 31st AUGUST, 2016

P.C. :

1 Heard learned counsel appearing for the Petitioners
/Applicants.

2 No case for review of the order dated 14th March,
2007 passed by the Division Bench of this court in Letters
Patent Appeal No. 34 of 2007 is made out. Respondent's
Appeal filed under section 9 of the M.E.P.S.Act was allowed by
the School Tribunal. This order was confirmed by the learned

single Judge of this Court in Writ Petition. The LPA has also been dismissed.

3 The contention of the petitioners/applicants that they have not been paid full back-wages though substantial amount has been paid. It is submitted on behalf of the petitioners/applicants that though they sent a proposal to the department, no back-wages are paid to them by the State. In our view this issue has not been raised earlier either before the School Tribunal or before the learned single Judge of this court or before the Division Bench which has dismissed the LPA. It is now not open for the petitioners/applicants to raise this issue in review and as such the present review petition deserves to be dismissed.

4 The Review Petition is dismissed. However, we reserve the right of the petitioners/applicants to approach the competent authority of the State Government for payment of back -wages after seeking approval of the Education Officer.

5 In view of dismissal of the Review Petition, Civil Application No. 44 of 2009 for condonation of delay in filing the present review petition does not survive and it is disposed of as such.

(MRS.SWAPNA JOSHI,J.)

(V. M. KANADE,J.)