

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

**Review Application No.71 of 2017
In
Writ Petition No.9301 of 2016**

The Principal, P.E.S. Polytechnic
Trimbak s/o Ashroba Kadam
And Anothr.

.. Applicants.

Versus

Milind s/o Manohar Deshpande
And Others.

.. Respondents.

Shri. S.N. Pagare, Advocate, for applicants.

Shri. S.V. Warad, Advocate,s for for respondent No.1.

Shri. V.D. Salunke, Advocate, for respondent No.2.

Shri. V.S. Badakh, Assistant Government Pleader, for
respondent No.3.

**Coram: T.V. NALAWADE &
SANGITRAO S PATIL, JJ.**

Date: 16 March 2017

ORDER:

1) The application is filed for review of the order made by this Court on 9 February 2017 in Writ Petition No.9301 of 2016. Heard learned counsel for the review applicants.

2) It is the contention of the review applicants that this Court was misled by respondent No.2 and the order was obtained in favour of Shri. Deshpande. Learned counsel submitted that there has been dispute between the management which is under control of one group viz. Dr. S.P. Gaikwad, Shri. More and others and the group is falsely claiming that the other group has the control over the institution. This Court is avoiding to touch that aspect as the matter filed by Shri. Deshpande was before us and Shri. Deshpande was claiming his right to resume duty at least as in-charge Principal of the Polytechnic College.

3) The submission made today for so called group which is allegedly controlling the institution shows that Shri. Deshpande is senior to the present applicant Shri. Trimbak Kadam. The submissions made also show that the group which is taking the side of Shri. Kadam is not contending that Shri. Deshpande was suspended or terminated from service for any reason. It is the contention that the other group had taken some action and which was not taken by other group in control of the institution. Some record like one change report is

produced. In any case this Court was considering only the right of Shri. Deshpande when Shri Deshpande is admittedly senior to the present applicant. Even if for some purpose it is presumed that the consent was given by respondent No.2 of the writ petition, to mislead the Court, nothing adverse has happened due to the order made by us against the institution or against the interest of Shri. Kadam. There is no need to review the order. The review application stands dismissed.

Sd/-
(SANGITRAO S PATIL,J.)

Sd/-
(T.V. NALAWADE, J.)

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