

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

**CIVIL APPLICATION NO.7905 OF 2017
IN
REVIEW APPLICATION NO. _____ OF 2017
IN
WRIT PETITION NO.1893 OF 2014**

Maharashtra Academy of Engineer
and Education Research, Pune,
through its Registrar,
(Mr.S.V.Kulkarni),
Office at Sy. No.124,
Ex-Serviceman Colony Post
Office, Paud Road, Kothrud,
Pune – 411 038
and another

..Applicants

Vs.

Anil s/o. Govindrao Kale,
Age : 35 years,
Occ. Service (Teacher),
Swami Vivekanand Academy,
Chikalthana Industrial Area,
Aurangabad
r/o. Mahatma Fule Nagar,
Galli No.3, Eknath Nagar,
Osmanpura, Aurangabad
and others

..Respondents

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Mr.N.P.Patil-Jamalpurkar, Advocate for applicants

Mr.B.L.Sagar-Killarikar, Advocate for petitioners
in Writ Petition

Mr.A.S.Shinde, AGP for respondent nos.7 to 9

**CORAM : T.V. NALAWADE AND
SANGITRAO S. PATIL, JJ.
DATE : JUNE 19, 2017**

ORDER (*PER SANGITRAO S. PATIL, J.*) :

Heard the learned Counsel for the applicants.

2. The applicants have prayed for condonation of delay in filing the application for review of the judgment and order delivered by this Court on 20.03.2017 in Writ Petition No.1893 of 2014 and other connected petitions.

3. The first contention of the learned Counsel for the applicants is that on the basis of the judgment and order dated 20.03.2017 passed by this Court, the teachers who are not in service, are claiming benefits of the said judgment.

4. We perused the judgment. It does not cover the teachers who are not in service because of either termination or otherwise, and as such,

they cannot get benefit of the said judgment. The point raised by the present applicants, therefore, cannot be considered as a valid ground for review of the judgment.

5. The learned Counsel for the applicants further submits that in view of the judgment of full Bench of Madras High Court in **Writ Petition No.1307 of 2009 (The Correspondent/Principal, Arokiamada Matriculation Higher Secondary School, Udumalai Road, Pollachi Vs. Tmt. T. Sorubarani (Deceased) and others)** delivered on 15.10.2015, the judgment of this Court needs to be modified.

6. We have considered the points in dispute in detail in our judgment and we do not find any reason to modify the same on the basis of the judgment of the Madras High Court cited above by the learned Counsel for the applicants.

7. The learned Counsel for the applicants further submits that the schools run by the

applicants are suffering loss, because the amount of fees collected is less than what is required to be spent for payment of salary and other incidental expenses. It has become difficult to run the schools.

8. We cannot take into consideration this ground of objection for review of the judgment delivered by this Court. We do not find any valid reason for entertaining the present application for review.

9. In the circumstances the application for condonation of delay and the application for review, both, are dismissed.

[SANGITRAO S. PATIL, J.]

[T.V. NALAWADE, J.]

kbp