

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

REVIEW APPLICATION (CIVIL) NO. 38 OF 2017
IN WP/5294/2015

YADAV BALIRAM PAWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Shri Shinde Dhananjay M.
AGP for Respondents 1 & 2 : Shri N.T.Bhagat.
...

CORAM: RAVINDRA V. GHUGE, J.

DATE :- 15th February, 2017

Per Court:

1 By this Review Application, the Applicant contends that this Court has committed an error in making the observations in paragraph 10 of the order dated 09.08.2016. Four grounds have been set out by the Applicant in the memo of the Review Application. It is apparent from these four grounds that the only contention of the Applicant is that if the rate contract is signed by the Government of India through the tender process along with a particular company, the consignment of computers and printers without ISI/ ISO mark can be purchased.

2 The contentions of the Applicant and the grounds set out are considered by this Court while deciding the Writ Petition. Nevertheless, in

the light of the said grounds, I have once again considered the Government Resolution and the letter dated 13.06.2006 issued by the Education Officer, which binds all such authorities/ officers to follow the norms set out in the communication based on the said Government Resolution. Clause (1) of the said communication deals with the rate contract being signed with the Government of India. However, the conditions set out in the said communication do not, in any manner whatsoever, indicate that after the contract is signed with a particular company, the consignment to be supplied could be without ISI/ ISO certification. The said requirement is not diluted.

3 While deciding the Writ Petition, this Court has observed in paragraphs 10 and 11 as under:-

"10. *However, with regard to the second charge of not purchasing the approved computers is concerned, though the Petitioner placed the order for purchasing three computers with such agency which was approved, the Petitioner did not insist that the computers must bear the ISO mark which was the mandate in view of the Government Resolution. The Government required the computers with ISO mark as that is a standardization bench mark and no person can be permitted to deviate from the same. The said charge of irregularity is, therefore, proved.*

11. *The punishment awarded to the Petitioner is stoppage of one increment permanently. Rule 4 of the Maharashtra Zilla Parishad District Services (Discipline and Appeal) Rules, 1964 prescribes the*

nature of penalties under the chapter titled "Discipline" below Part-III. The punishment at clauses (iv) to (vii) are major penalties. Withholding of increment or promotion under clause (ii) of Rule 4 is considered to be a minor penalty. When the Government mandated that the computers to be purchased were to carry the ISO mark which is bench mark of quality, the Petitioner ought not to have ventured to purchase the computers without ISO mark."

4 Considering the above, it is apparent that the Applicant/ Petitioner has not succeeded in pointing out an error apparent on the face of the order. It appears that the Applicant has made an attempt to misdirect this Court from the grounds set out and the submissions made.

5 In the light of the above, this Review Application is devoid of merit is, therefore, dismissed. The Applicant is saddled with costs of Rs.5,000/- (Rupees Five Thousand). Respondent No.3/ Chief Executive Officer, Zilla Parishad, Nanded is directed to deduct the said amount of Rs.5,000/- from the salary of the Applicant and credit the same in the account of the Advocates Association of Bombay High Court, Bench at Aurangabad, within a period of FOUR WEEKS from today.