

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

**REVIEW PETITION NO.113 OF 2011
IN
WRIT PETITION NO.4600 OF 2011**

Kumari Vaijayantimala Vilasrao
Shelar & Ors.

.. Petitioners

Vs.

Education Officer, Secondary
Zilla Parishad, Pune & Anr.

.. Respondents

.....

Mr. Sandeep Phatak i/b. Mr. S. B. Deshmukh, Advocate for the
Petitioners.

Mrs. R.M. Shinde, AGP for Respondent No.1 – State.

.....

**CORAM : SHANTANU S. KEMKAR AND
PRAKASH D. NAIK, JJ.**

DATED : FEBRUARY 8, 2017.

P.C. :

Heard.

2 By filing this review petition, the petitioners is seeking review/recall of the order dated 26th August, 2011. According to learned counsel for the petitioner in Writ Petition following were the reliefs claimed for:

*“[A] That this Honourable Court be pleased to issue
a writ mandamus or writ in the nature of
mandamus or any other appropriate writ*

direction or order under Article 226 of the Constitution of India, 1950, directing the Respondent no.1 herein to grant the approval to the appointment of the Petitioner no.1 and Petitioner no.2 in the Respondent no.2 Institution forthwith.

[B] That this Honourable Court be pleased to issue a writ mandamus or writ in the nature of mandamus or any other appropriate writ direction or order under Article 226 of the Constitution of India, 1950, directing the Respondent no.2 to pay the arrears of the salary from the first date of the appointment of the Petitioner no.1 and Petitioner no.2 with such interest as the Honourable Court may deem fit forthwith to the Petitioner no.1 and 2."

3 The Division Bench while deciding the Writ Petition vide order dated 26th August, 2011 has considered only the first prayer i.e. prayer Clause (A) and decided the petition against the petitioners. He submits that prayer Clause (B) was relating the claim of unpaid salary to the petitioners in regard to that the entire order is silent. In the circumstances, according to him, there is error apparent on the fact of record and therefore this Court may recall the order and restore Writ Petition to its original number so far it relates to the relief claimed prayer Clause (B).

4 Having gone through the prayer made in the Writ Petition and the order passed dated 26th August, 2011 by the Division Bench we are of the view that the Division Bench has not considered the prayer Clause (B) of the Writ Petition and has decided the Writ Petition only in respect of prayer Clause (A).

5 In the circumstances, the order so far as it relates to the dismissal the petition in the entirety including prayer Clause (B) is recalled. The petition is restored to its original number so far as it relates to only in relation to prayer Clause (B) and that too for petitioner no.1 as the petitioner no.2 has already stated that she does not want to press Review Petition..

6 The Writ Petition be listed for admission on 24th February, 2017.

(PRAKASH D. NAIK, J.)

(SHANTANU S. KEMKAR, J.)