

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

MISC. CIVIL APPLICATION (MCA) NO.1062 OF 2016
IN
WRIT PETITION NO.3492 OF 2008 (D) & WRIT PETITION NO.51 OF 2009 (D)

Vijay Nemaji Dhobe

-vs-

Govt. of Mah. Thr. Its Secretary Education Dept. Mantralaya, Mumbai and ors.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders.

Shri V. A. Kothale, Advocate for applicant.
Ms H. Prabhu, AGP for respondent Nos.1,3 and 4.

CORAM : A.S.CHANDURKAR, J.

DATE : AUGUST 28, 2017

By relying upon the judgments of Division Bench in *Saramma Varghese vs. Secretary/President S.I.C.E.S. Society and ors. 1989 Mh.L.J. 951* and *Jalgaon Zilla Kala Adhyapak Sangh, Jalgaon and anr. vs. State of Maharashtra and ors. 1997 (1) Mh.L.J. 517*, it is submitted that the reliance placed on the decision in *Shivshakti Shikshan Sanstha vs/ Nilkanth Kaulji Shivankar 2005 (3) Mh.L.J. 696* while deciding the writ petition was not warranted. An attempt is sought to be made to distinguish the same by referring to the facts of said judgment.

I find that the exercise sought to be undertaken is one that can be undertaken by the appellate Court and not by the Court exercising review jurisdiction. The application is therefore rejected.

JUDGE