

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO. 7693 OF 2018
IN RAST/16927/2018

DR. JALALUDDIN MOINUDDIN AHMED AND OTHERS
VERSUS
JAWAHAR MEDICAL FOUNDATION DHULE OTHERS

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Advocate for Applicants : Shri Abhijit S. More
AGP for Respondent 1 : Shri S.Y.Mahajan
Advocate for Respondent 2 : Shri S.V.Deshmukh h/f Shri S.P.Shah

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CORAM : PRASANNA B. VARALE & RAVINDRA V. GHUGE, JJ.
Dated: September 10, 2018

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PER COURT :-

1. Heard the learned Advocates for respective parties.
2. Delay of more than 335 days, occurred in filing the Review Petition, is sought to be condoned by way of the present application. It is submitted that the petitioners were unaware of the order of this Court for quite some time and on receiving the information, the petitioners approached the counsel and necessary steps were taken.
3. Considering these grounds, the civil application for condonation of delay is allowed. Delay is condoned.
4. On Review Petition, the learned counsel were heard. It is submitted that the petitioners are prosecuting their studies for the post

graduate course after completing their M.B.B.S. decree. It is submitted by the learned counsel that the Fees Regulatory Authority has fixed the fees. Aggrieved by the fixation of fees, the institution approached the Regulatory Authority seeking review of the fees structure or fees fixation. The Regulatory Authority, on the ground that the authority do not possess the powers to review its own order, declined the request of the institution. Aggrieved by the said order, the institution was before this Court. This Court on the ground that no proper opportunity of hearing was granted to the institution, directed the Regulatory Authority to decide the Review Application, in accordance with the law, within the stipulated period.

5. The submission of the learned counsel is that the petitioners were not made party to the petition and the Regulatory Authority committed no error and the relevant provisions were not brought to the notice of this Court. The submission of the learned counsel is clearly leading to the assessment of the merits of the order passed by this Court. It is a settled position of law that such an exercise of assessment of the order on merits, in Review Petition by us, is not acceptable. It is also a settled position that a Review Petition can be entertained in a limited scope and compass. Any such attempt enlarging the limited scope and compass of the Review Petition cannot be entertained by this Court. It is not the submission before us that there is an error apparent on the face

of the record for reviewing the order.

6. Considering all these facts, we are of the clear opinion that the Review Petition sans merits and deserves to be dismissed at the threshold and it is accordingly dismissed.

7. We further make it clear that the petitioners may avail the other remedies as available in law, if so advised.

(RAVINDRA V. GHUGE, J.)

(PRASANNA B. VARALE, J.)

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