

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

REVIEW APPLICATION NO.36 OF 2017

IN

WRIT PETITION NO.5704 OF 2013

- 1) Vasantryao Naik Shikshan Prasarak
Mandal, Aurangabad,
Through its Secretary,
- 2) Vasantryao Naik College,
Aurangabad,
Through its Principal.

...APPLICANTS

VERSUS

- 1) The State of Maharashtra,
Through Chief Secretary,
Higher Education Department,
Mantralaya, Mumbai,
- 2) The Director of Higher Education,
Maharashtra State, Pune,
- 3) The Joint Director of Higher
Education, Aurangabad Division,
Aurangabad,
- 4) Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its Registrar,
- 5) The Grievance Committee,
Dr. Babasaheb Ambedkar Marathwada
University, Aurangabad,
Through its President,

- 6) College and University Development Board, Dr. Babasaheb Ambedkar Marathwada University, Aurangabad, Through its Director,
- 7) Smt. Madhuri Manikrao Sahastrabudhe, Age-48 years, Occu:Service, R/o-Plot No.8, Sector-A, Garware Quarters, CIDCO, N-5, Aurangabad.

...RESPONDENTS

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Mr.Santosh S. Jadhavar Advocate for Applicants.

Mr.S.B. Yawalkar, Additional Government Pleader for Respondent Nos. 1 to 3.

Miss. Pradnya S. Talekar Advocate for Respondent No.7.

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**CORAM: S.S. SHINDE AND
SANGITRAO S. PATIL, JJ.**

DATE OF RESERVING ORDER : 17TH JANUARY, 2018

DATE OF PRONOUNCING ORDER: 25TH JANUARY, 2018

ORDER [PER S.S. SHINDE, J.]:

1. This application seeks review of the common Judgment and order dated 6th June, 2016 passed by the Division Bench of this Court (CORAM: S.S. SHINDE AND SANGITRAO S. PATIL, JJ.) in Writ

Petition No.5704 of 2013 (Smt. Madhuri Manikrao Sahasrabudhe vs. State of Maharashtra and others) and Writ Petition No.4600 of 2014(Vasantrao Naik Shikshan Prasarak Mandal and another vs. Dr. Babasaheb Ambedkar Marathwada University, Aurangabad).

2. Learned counsel appearing for the review applicants invites our attention to the grounds taken in the Review Application and submits that the resolution impugned in the Writ Petition was passed by the Respondent No.5 Grievance Committee in gross violation of the principles of natural justice, as review applicant No.1 was never served with notice of the said proceedings and the review applicants were not allowed to participate in the said proceedings, so also to tender their say to the grievance raised by Respondent No.7 - Smt. Madhuri Sahastrabudhe.

3. It is further argued that Respondent No.5

Grievance Committee has not considered the say filed by present Applicant No.2 and the documentary evidence placed on record in respect of payment of salary to Respondent No.7 Mrs. Madhuri. There was no proper adjudication of the grievances raised by Respondent No.7 employee. The grievance of person/employee cannot be decided by passing resolution. It is submitted that before passing said resolution the review applicants were not afforded an opportunity of hearing. Learned counsel also invites our attention to the other grounds taken in the Review Application and submits that the Review Application deserves to be allowed.

4. On the other hand learned counsel appearing for Respondent No.7 submits that the grounds taken in the Review Application are similar to the grounds taken in the Writ Petition. The review applicants neither raised any new ground nor brought on record any error apparent on

the face of record so as to seek review of the order in question. It is submitted that the review applicants are depriving Respondent No.7 from getting the monetary benefits by not implementing the directions issued by the Grievance Committee which are confirmed by this Court. Therefore, learned counsel submits that the Review Application may be rejected.

5. We have carefully considered the submissions of the learned counsel appearing for the review applicants and learned counsel appearing for Respondent No.7. We have carefully perused the grounds taken in the Review Application and we find that the grounds taken in the Writ Petition are almost reproduced/reiterated in the Review Application. The grounds which are raised in the Review Application have already been considered while disposing of the Writ Petitions. Admittedly, till date the review applicants have not complied with the orders passed by the

Respondent Grievance Committee and also by this Court.

6. It is unfortunate that the facts which were pleaded by the Petitioners in Writ Petition No.4975 of 1999 (Vasantrao Naik Shikshan Prasarak Mandal, Aurangabad and others vs. State of Maharashtra and others), which was filed by the present review applicants herein, are tried to be twisted in reply filed in Writ Petition No.5704 of 2013 which was filed by Respondent No.7 herein, and in Writ Petition No.4600 of 2014 which was filed by the review applicants herein. In the impugned Judgment there is discussion about the facts pleaded by the Petitioners in Writ Petition No.4975 of 1995 who are review applicants herein, and now the Petitioners resiled from the said facts and tried to plead altogether different facts in Writ Petition No.4600 of 2014 which was filed by the review applicants herein.

6. In our opinion, there is no error apparent on the face of record so as to review the order in question. Hence the Review Application stands rejected.

[SANGITRAO S. PATIL, J.]

asb/JAN18

[S.S. SHINDE, J.]