

REVIEW PETITION NO. 134 OF 2018
IN
WRIT PETITION NO. 8394 OF 2018
(In Chambers)

Shamal Suryakant Kamale	}	Petitioner
versus		
State of Maharashtra and Ors.	}	Respondents

Mr. R. K. Mendadkar with Mr.Chintamani
Bhangoji and Ms. Komal for the petitioner.

Mr. S. B. Kalel-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATE :- SEPTEMBER, 4, 2018

P.C. :-

1. We have heard Mr. Mendadkar appearing for the petitioner.
2. Mr. Mendadkar submits that in ground (i) of the memo of the writ petition filed in this court, the petitioner raised a specific plea that the statement of Mr. Mahadev Malkari Kamle (Headmaster of Primary School Bhandarkavthe) has been relied upon, but that person was not made available for cross-examination by the committee and this has resulted in miscarriage of justice. The order is vitiated on account of non observance of the principles of natural justice.

3. We are afraid, we cannot consider this ground over and over again. A review petition cannot be equated with an appeal or a revision, where initial order can be impugned on merits. A review petition can be filed and even if not adhering to section 114 read with Order XLVII Rule 1 of the Civil Procedure Code, 1908 or principles analogous thereto, but can be considered only if the parameters laid down therein are satisfied. Hence, this court cannot be given an opportunity to revisit the factual findings. That would be going behind the order under review.

4. Further, we find that in our initial order, we have not only made a reference to the entire materials, including the statement of the present or current Headmaster, but found that independent of that, the Education Officer, Panchayat Samiti, Solapur forwarded a report to the Vigilance Cell, which indicates, on inspection of the records of the school, that the erstwhile Headmaster, who made the entries, was called upon to remain present, but the Education Officer records that the Headmaster refused to present himself for any inquiry. Independent inspection by this Education Officer of the school record indicates that there has been overwriting or insertions made in a different ink. In these circumstances, we do not find that there is any error apparent on the face of the record in the order of the Scrutiny Committee, much less perversity.

5. We cannot reconsider these findings rendered by us in our limited jurisdiction. We do not think that the order of the Hon'ble Supreme Court brought to our notice in this case mandates us to review our order. The review petition is entirely misconceived and it is dismissed. We would not have hesitated to impose heavy costs, but since the petition is filed by a student, we refrain from doing so.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)