

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

M.C.A. (Review) No. 1338 of 2018

in

Writ Petition No.1459 of 2015 (D)

**(Lord Buddha's Sariputra Dnyan Prasarak Shikshan Sanstha, Gandhi Nagar
and another .vs. Ku. Ujwala Vijay Sukhdeve and ors.)**

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

Court's or Judge's orders.

Mr. S.P. Bhandarkar, Advocate for Applicants.
Mr. P.B. Patil, Advocate for Respondent No.4.

CORAM : Manish Pitale, J.

DATED : December 21, 2018.

Heard Mr. Bhandarkar, learned counsel
appearing for the applicants.

2. This review application is filed on behalf of the
applicants (original respondent Nos. 2 and 3 in writ
petition) seeking review of the judgment and order dated
02.11.2018 passed by this Court, whereby the writ
petition of the original petitioner had been allowed.

3. The contention raised on behalf of the
applicants is that if Ordinance No.82 of 1981 is perused,
particularly the second proviso to Clause 3 thereof, it
would be evident that when a certain contingency is not
provided in Ordinance No.24, reliance could be placed on
Ordinance No. 122 of the University. It is contended that
since there is no provision in Ordinance No.24 as regards
termination of services of a probationer, Ordinance
No.122 would apply in the case of the non-applicant
herein (original petitioner in the writ petition).

4. The judgment of which review is sought

clearly holds that Ordinance No.122 of the University will not apply to the case of the non-applicant (original petitioner) for the reason that she was appointed in the College affiliated to University to whom Ordinance No.24 and Statute No.53 of the University would apply. The Ordinance No.122 applies to persons who are employed in Colleges run by the University itself. It has been held specifically that the Ordinance No.122 on one hand and Ordinance No.24 as well as Statute No.53 of the University on the other hand operate in different fields and that, therefore, the advantage of Ordinance No.122 cannot be taken by the applicants in order to deal with the case of the non-applicant (original petitioner). A perusal of Ordinance No.82 of 1981, which is relied upon on behalf of the applicants does not take the case of the applicants any further in order to demonstrate how Ordinance No.122 of the University could be made applicable to the non-applicant (original petitioner). There is no error apparent on the face of the record demonstrated by the applicants and hence the review application is dismissed.

5. It is clarified that if respondent nos. 2 and 3 in the writ petition and applicants herein are entitled to reimbursement for payment of consequential benefits to the non-applicant(original petitioner), they may apply to the State Authorities in respect of the same. Such application shall be decided in accordance with law.

JUDGE