

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**BENCH AT AURANGABAD**

**REVIEW APPLICATION ST. NO.29135 OF 2015  
IN  
LETTERS PATENT APPEAL NO.203 OF 2011  
IN  
WRIT PETITION NO.6816 OF 2010**

Shri Digamber s/o Bhagwanrao Ghadge Patil,  
Age-51 years, Occu:Un-employed,  
R/o-At Post-Deodhanora,  
Tq-Kallam, Dist-Osmanabad.

**...APPLICANT**

**VERSUS**

The State of Maharashtra,  
Through it's Secretary,  
Rural Development Department,  
Mantralaya, Mumbai-400 032  
and others.

**...RESPONDENTS**

...

Mr.Bhagwan V. Thombre Advocate for Applicant.  
Mr.A.V. Deshmukh, A.G.P. for Respondents  
No.1 to 3.  
Mr.Shambhuraje Deshmukh Advocate for  
Respondents No.4 and 5.

...

**CORAM: SUNIL P. DESHMUKH AND  
P.R. BORA, JJ.**

**DATE : 8TH AUGUST, 2019**

**ORDER :**

1. Heard learned counsel for review applicant, learned counsel Mr. Shambhuraje Deshmukh for respondents No.4 and 5, and Mr. A.V. Deshmukh for respondents No.1 to 3.

2. Under review application it has been claimed that there is some material possibly available in the form of correspondence between education officer and headmaster of the school on one hand and a communication to the school by wife of petitioner about petitioner being rendered psychologically unsound. In the circumstances, learned counsel submits that the documents show that mental health of the petitioner had been affected and the same had, in fact, got reinforced under certificate dated 13<sup>th</sup> May, 2006 issued by a psychiatric expert.

3. It appears that, the petitioner had remained absent from duty from 27<sup>th</sup> November, 2001 and had thereafter purported to rejoin duties in 2006 and realized that he had been dismissed before.

4. Learned Single Judge of this court by his judgment and order dated 1<sup>st</sup> April, 2011, had taken into account that efforts to forward petitioner to medical board were made and time was killed by petitioner by indulging in unnecessary correspondence and office was misled. In the circumstances, learned Single Judge did not find merit in the writ petition and as such has dismissed the same.

5. The letters patent appeal therefrom before division bench has been dismissed, observing that there had been no record indicating that appellant had been suffering from any mental illness for the period from 2001 to

2006 and reliance on the certificate would not be possible without examination of the psychiatrist. Apart from said certificate, which too appears to be guesswork there had been absolutely no evidence about appellant being suffering from mental illness.

6. Even today, there is no record in respect of claimed ailment suffered during the period referred to by the petitioner. The correspondence now being referred to, produced invoking Right to Information Act, would not be forming sufficient supporting basis to have review of the order which has been passed. That being so, it is difficult for us to reconsider the order passed by the division bench dated 7<sup>th</sup> August, 2015, when learned counsel is unable to point out any error apparent on the face of record. There does not appear to be any error, much less apparent in the order under review.

7. Review application is, therefore, not entertained and the same is dismissed.

**(P.R. BORA, J.)**

**[SUNIL P. DESHMUKH, J.]**

asb/AUG19