

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

**REVIEW APPLICATION (CIVIL) NO.106 OF 2019
IN
WRIT PETITION NO.1079 OF 2019**

Indira Education and Welfare Society,
Parbhani, Through its Secretary,
Abdul Majeed s/o Abdul Rahim,
Age: 64 years, Occ: Pensioner,
R/o. Mehraj Nagar, Near Mohammadi
Masjid, Parbhani

APPLICANT

VERSUS

1. Najmunnisa Begum D/o Abdul Sattar,
Age: 52 years, Occ: I/c. H.M. Service,
R/o. Marathwada Plot, Guru Baba
Pariser, Parbhani,
Tq. & Dist. Parbhani

2. The Education Officer (Primary)
Zilla Parishad, Parbhani,
Tq. & Dist. Parbhani

RESPONDENTS

Mr S.S. Kazi, Advocate a/w Ms Fatima S. Kazi, Advocate
for the applicant;
Mr A.N. Sabnis, Advocate for respondent No.1;
Mr Mahesh Kale, Advocate h/f Mr B.A. Shinde, Advocate for
respondent No.2

WITH

CIVIL APPLICATION NO.11009 OF 2019

IN

**REVIEW APPLICATION NO.106 OF 2019
IN
WRIT PETITION NO.1079 OF 2019**

Shaikh Habib Yakub

Age: 52 years, Occ: Business,

R/o. Marathwada Plot, Guru

Baba Parisar, Parbhani,

Tq. & Dist. Parbhani

APPLICANT

VERSUS

Najmunnisa Begum D/o Abdul Sattar,

Age: 52 years, Occ: I/c. H.M. Service,

R/o. Marathwada Plot, Guru Baba

Pariser, Parbhani,

Tq. & Dist. Parbhani & ors

RESPONDENTS

Mr A.B. Tele, Advocate for the applicant;

Smt Fatema Kazi, Advocate for respondent No.1;

Mr Mahesh Kale, Advocate h/f Mr B.A. Shinde, Advocate for
respondent No.2;

Mr S.V. Suryawanshi, Advocate for respondent No.3

**CORAM : PRASANNA B. VARALE &
AVINASH G. GHAROTE, JJ.**

DATED : 1st OCTOBER, 2019

ORAL ORDER:

Heard Mr. Kazi, learned Counsel for the
applicant.

2. The applicant i.e. Indira Education and Welfare Society, Parbhani through Secretary, by way of present application prays for review of the order passed by this Court on 1st April, 2019.

3. Perusal of the order clearly shows that on limited premise, namely, that the proposal is submitted to the Education Officer and same is pending before the said authority without there being any decision by him, the Division Bench of this Court thought it fit to dispose of the petition with direction to the Education Officer (Primary), Zilla Parishad, Parbhani to decide the proposal as expeditiously as possible and not later than twelve weeks from the date of receipt of the order of this Court. In paragraph-5 of the order, this Court further made it clear that the Education Officer (Primary), Zilla Parishad, Parbhani was to take decision on its own merits on verification of the record.

4. The ground being raised by Mr. Kazi, learned Counsel for the applicant is only of apprehension of the applicant that the Education Officer may arrive at a conclusion which would be prejudicial to the interest of the applicant society. It was also submission of Mr. Kazi, learned Counsel that the parties may not place the proper and relevant record before the Education Officer. This apprehension is totally unfounded and cannot be treated as any settled ground, such as an error apparent on the face of record or misrepresentation by the parties before this Court or any act of exceeding jurisdiction as available for the purpose of filing a review of an order. Only an apprehension expressed by the party cannot be a reason for this Court to review the order dated 1st April, 2019, that too, on the backdrop of specific direction of this Court that the Education Officer is to take decision on merits of the proposal on verification of the record.

5. At the cost of repetition, we say that when the Education Officer is directed to take decision on verification of the record, the Education Officer is certainly expected to verify the record thoroughly, apply his mind and pass appropriate order.

6. Considering these facts, we are of the opinion that no ground is made out for reviewing the order passed by this Court dated 1st April, 2019. The application, thus, being meritless, deserves to be dismissed and same is accordingly dismissed.

7. Mr. Mahesh Kale, learned Counsel h/f Mr B.A. Shinde, learned Counsel for the Education Officer submitted before this Court that because of the review application being filed in this Court by the society, the Education Officer was unable to proceed in the matter so as to take decision as directed by this Court within the time as directed and prays for extension of period for taking decision as directed by this Court.

8. Accordingly, the Education Officer is permitted to take decision within four weeks from today. Needless to state that earlier period granted by this Court is now extended by this order.

9. In view of dismissal of the application seeking review, no orders are required to be passed on the application seeking intervention. The application is disposed of.

[AVINASH G. GHAROTE, J.]

[PRASANNA B. VARALE, J.]