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

**CIVIL APPLICATION NO. 14372 OF 2019  
IN/WITH  
REVIEW APPLICATION (STAMP) NO. 33683 OF 2019  
IN  
WRIT PETITION NO. 13044 OF 2017**

1. The State of Maharashtra,  
Through its Secretary,  
Department of School Education,  
Mantralaya, Mumbai-32.
2. The Commissioner of School Education  
Maharashtra State, Pune
3. The Deputy Director of Education,  
Pune Division, Pune
4. The Education Officer  
Primary and Secondary  
Zilla Parishad, Ahmednagar ..APPLICANTS

**VERSUS**

1. Panchasheel Shikshan Prasarak  
Mandal, Kurund, Tq.Parner,  
Dist. Ahmednagar  
Through its Secretary,  
Sharad Bapurao Gaikwad  
Age:Major, Occu:Agriculture,  
R/o Shirur, Tq.Shirur  
Dist. Pune
2. The Chief Executive Officer,  
Zilla Parishad, Ahmednagar ...RESPONDENTS

Mr S.P. Sonpawale, A.G.P. for applicants;  
Mr Naseem R. Shaikh, Advocate for respondent No.1;

**CORAM : PRASANNA B. VARALE  
AND  
MANGESH S. PATIL, JJ.**

**DATE : 6th December, 2019**

**ORAL ORDER:**

By the present civil application, the applicant - The State of Maharashtra through its Secretary, Department of School Education and others- prays for condonation of delay for 279 days caused in filing the review application.

2. We are more than surprised to see the way in which, the application is filed in this Court. The application runs in three basic paragraphs and paragraph No.2 is devoted raising a ground for the delay caused. Perusal of paragraph No.2 shows that an explanation is provided in a way as brief and as casual as it could be. Only a statement is made in the paragraph that the impugned judgment and order dated 13th December, 2018 passed by this Court in Writ Petition No.13044 of 2017, that the present application is preferred after getting proposal of appeal vide proposal No. 771 of 2019 dated 15th June, 2019, issued by Law and Judiciary Department, Aurangabad to office of the Government Pleader, which was received in the office on 18th June 2019. There is absolutely not a word in this paragraph as to what steps were taken in these six months i.e. from the date of order being passed by this Court and proposal being forwarded to the office of the Government Pleader.

3. The Civil Application is so ambiguous with no explanation being provided to show any cause, leave aside the just and sufficient cause for the delay cannot be entertained by this Court.

(3)

4. We have also made an attempt to see whether there is any merit in the review application itself so that the aspect of delay can be considered a bit liberally. On going through the review application, what emerges is that the grounds assigned are only in the nature of superficial grounds and the application falls too short to meet the requirements of consideration of the review application on settled principles, such as, an error apparent on the face of record or in-ability of the applicants to place on record requisite documents for the reasons beyond their control. Review Application is filed only on one ground i.e. the school of the petitioner (herein respondent No.1) is not in a hilly and mountainous area.

5. In our judgment and order dated 13th December, 2018, we have specifically referred to the documents placed on record and to which our attention was invited i.e. communication dated 16th July, 2005. Surprisingly enough, on the notice issued to the respondents in the petition on 15th November, 2017, affidavit-in-reply was filed on behalf of respondent No. 4 through Shri Ramdas Piraji Khedkar, Education Officer (Secondary), Zilla Parishad, Ahmednagar and in the reply, sweeping statement was made that the petitioner school is not running in mountainous area, as contended by petitioner.

6. When the petitioner placed reliance on the document dated 16th July, 2005 which is a part of the petition, no-body prevented the respondent authority or the deponent to counter the documents but no such attempt is made and now this ground is raised in the review application.

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7. It will not be out of place of state here that in our order, we have specifically directed the State Government to release grant-in-aid to the petitioner as expeditiously as possible and not later than four weeks from receipt of the order. The order of this Court was not complied within the stipulated period. The petitioner was required to file a contempt petition in this Court and on 3rd April, 2019, notices were issued to the respondents and interestingly enough, the application seeking condonation of delay is filed on 18th October, 2019, whereas the review application was filed some time in the month of August, 2019.

8. The sequence of events only lead us to observe that the attempt of filing an application for condonation of delay and review petition is only an after thought attempt so as to save the respondents from the rigours of the contempt proceedings.

9. Thus, on merits also, no ground is coming forth so as to treat the application on meritorious ground and as a result, the application for condonation of delay as well as the review application being thoroughly meritless deserves to be dismissed and are accordingly dismissed.

**( MANGESH S. PATIL, J.)**

**(PRASANNA B. VARALE, J.)**

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