IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION (ST) NO. 20223 OF 2018
IN
WRTI PETITION NO. 10557 OF 2015

1 The State of Maharashtra & Ors. ... Petitioners

Vs

Smt. Chaturbai @ Jadawben Bhikalal Gujar ... Respondent

Mr. P.G. Sawant, AGP, for the Petitioners-State.

Mr. Yashwant B. Lengere for the Respondent.

CORAM : S.C. DHARMADHIKARI &
N.M. JAMDAR , JJ.

THURSDAY, 25TH JULY, 2019

P.C. :

1 Having heard Mr. Sawant appearing on behalf of the Review Petitioner (State of Maharashtra & Ors.), we do not think that we should entertain this Review Petition.

2 The only argument is that the foundation or basis on which this Court proceeded and in law is no longer subsisting because now another view has been taken by the Hon'ble Supreme Court. That itself is enough for us to arrive at a

conclusion that parameters of Review jurisdiction are not satisfied. Section 114 read with Order 47 Rule 1 of the Code of Civil Procedure sets out the parameters and the guiding principles. The very explanation below Order 47 Rule 1 enables us to dismiss this Review Petition. Merely because the earlier view taken by the Hon'ble Supreme Court is now being reconsidered or there are conflicting views on a point of law by itself is no ground to seek a review of the order passed relying on the prior judgment of the Hon'ble Supreme Court, which is binding on us. It's binding effect is not lost so long as it is not reversed or recalled in appropriate jurisdiction by the Hon'ble Supreme Court itself. That way there will never be any certainty, discipline and predicability in judicial decision making.

3 In the circumstances, review is not the remedy for the State Government and it will be well advised to challenge the order passed by this Court under review before the higher court.

4 The Review Petition is, accordingly, dismissed.

N.M. JAMDAR, J. ***S.C. DHARMADHIKARI, J.***