

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

**CIVIL APPLICATION NO.193 OF 2018
WITH
REVIEW APPLICATION STAMP NO.29238 OF 2017
IN
WRIT PETITION NO.5 OF 2015**

Chief Executive Officer,
Zilla Parishad, Raigad at Alibag
District Raigad and another

..Applicants

Versus

Sangita Dattatray Patil and others

..Respondents

Mr. C. G. Gavnekar, Advocate for the Applicants.

Mr. R. K. Mendadkar a/w Mr. C. K. Bhangoji, Advocate for
Respondent No.1.

Mr. A. I. Patel, Addl. GP for Respondent No.2.

**CORAM : B. R. GAVAI &
RIYAZ I. CHAGLA, JJ.
DATE : 8th MARCH, 2019**

P.C.

1] For the reasons stated in the Civil Application, the same
is allowed. Delay condoned.

2] The review is sought of the order passed by this Court
dated 20th June 2017.

3] Heard Mr. C. G. Gavnekar, learned counsel for the
Applicants and Mr. R. K. Mendadkar, learned counsel for

Respondent No.1.

4] The review is pressed on the basis of the judgment and order of the Hon'ble Apex Court in the case of *Chairman and Managing Director, Food Corporation of India Vs. Jagdish Balaram Bahira and others*¹.

5] The judgment that was delivered by the Division Bench of this Court, which is sought to be reviewed is on the basis of the law as was laid down by the Full Bench of this Court in the case of *Arun s/o Vishwanath Sonavane Vs. The State of Maharashtra*².

6] The judgment of the Hon'ble Supreme Court is dated 6th July 2017, whereas judgment of the Division Bench of this Court, which is sought to be reviewed is dated 20th June 2017.

7] It is the well settled principle of law that the subsequent change of law by higher court would not be sufficient ground for review. What is relevant is the law existing on the date of the judgment. Undisputedly, the law existing on the date of the

1 (2017) 8 SCC 670.=

2 2015(1) Mh.L.J. 457.

judgment was the one laid down by the Full Court in the case of *Arun s/o Vishwanath Sonavane (supra)*.

8] Apart from that perusal of the judgment in the case of *Chairman and Managing Director, Food Corporation of India (supra)* would reveal that the Hon'ble Apex Court has not made the said judgment applicable retrospectively. In that view of the matter, no case is made out for review. The Review Petition is accordingly rejected.

[RIYAZ I. CHAGLA, J.]

[B. R. GAVAI, J.]