

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

M.C.A.No.880/2019 (Review)

in

Writ Petition No.743/2019

Rahashri Shahu Vs. Mangal Mankar

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R.S. Kalangiware, Advocate for appellants
Mr.B.M. Lonare, AGP for respondents No.2 and 3.

CORAM : MANISH PITALE, J.

DATED : SEPTEMBER 03, 2019

Heard learned counsel for the applicants.

2. This is an application seeking review of Judgment and order dated 03/07/2019, passed by this Court in Writ Petition No.743/2019, whereby the Writ Petition filed by the applicants herein was dismissed and the Judgment and order passed by the School Tribunal was confirmed.

3. The principal contentions raised on behalf of the applicants herein are based on interpretation of the various Rules, particularly Rule 36 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, 1977. The interpretation sought to be given by the applicants herein, even if a

plausible interpretation, cannot be said to be a basis for demonstrating an error apparent on the face of the record of the Judgment of this Court. On the factual aspect, it is claimed that this Court in paragraph 12 of the Judgment and order committed an error by observing that the respondent No.1 was promoted to the post of Head Mistress on 15/10/1997, while there was material placed on record before the School Tribunal to show that such appointment of respondent No.1 on the post of Head Mistress was in fact by direct recruitment, through the process of advertisement. On this basis, it was claimed that the said basis was erroneous and, therefore, review of the said Judgment and order was necessary.

4. A perusal of of paragraph No.12 of the said Judgment and order shows that there is indeed an observation that the respondent No.1 was promoted to the post of Head Mistress on 15/10/1997. Thereafter, it is noted that throughout the career of the respondent No.1, right from her appointment on 24/06/1995 till 01/08/2006, the applicant never found any difficulty or deficiency when the nature of service rendered by the respondent No.1, but, suddenly on 01/08/2006, a show cause notice was served upon the respondent No.1 levelling serious allegations against her. In the impugned Judgment and order, this Court discussed in detail the manner in which a single family was running the management of applicants and the applicants have

taken steps to act in a most malicious manner against the respondent No.1 in passing the order of dismissal from services.

5. In the over all nature of facts recorded by this Court and the findings regarding malicious approach of the applicants, even if there is material to show that the appointment of the respondent No.1 on 15/10/1997, as Head Mistress by the applicants was not by promotion, but, by direct recruitment, that itself does not have any bearing on the eventual findings rendered by this Court.

6. Hence, this Court finds that the applicants failed to demonstrate that this Court has committed any error on the face of the record in the Judgment of this Court. Hence, this application has no merits. Accordingly, it is dismissed.

JUDGE