

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

CAO NO. 2016/2018
IN
MISC. CIVIL APPLICATION NO. 520/2019
IN
WRIT PETITION NO. 3939/2018

Education Officer & anr.

..VS..

Aditi A. Balpande & anr.

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

Court's or Judge's orders

Ms. I.L. Bodade, Adv a/b Shri P. Raulkar, Adv for the applicant(s)
Shri R.J. Kankale, Advocate for the non-applicant no. 1
Shri A.M. Balpande, AGP for the non-applicant no. 2

CORAM : Z.A.HAQ & M.G. GIRATKAR, JJ.
DATED : 03/05/2019

The original respondent nos. 2 and 3 have filed this application seeking review of the order passed by this Court in Writ Petition No. 3939/2018 on 05/09/2018.

According to the respondent nos. 2 and 3, the review application should have been filed within 30 days, however, it could not be filed within 30 days and there is delay of 25 days in filing the review application. The respondent nos. 2 and 3 have prayed that the delay of 25 days in filing the review application be condoned.

In the order passed by this Court in Civil Application (CAO) No. 44/2018 in M.C.A. (ST.) No. 17327/2017 in Writ Petition No. 4974/2014 on 04/04/2018 by one of us (Z.A.Haq, J.), it is held that the

provisions of Article 124 of the Limitation Act cannot govern the proceedings under Articles 226 and 227 of the Constitution of India, and as the application seeking review of the judgment/order delivered in the writ petition filed under Articles 226/227 of the Constitution of India will also be under Article 226 of the Constitution of India, there is no question of limitation in filing the review application. Hence, the application is not required. It is **disposed** accordingly.

MISC. CIVIL APPLICATION NO. 520/2019

By the order passed by this Court in Writ Petition No. 3939/2018 on 05/09/2018, accepting the submissions made by the learned advocates for the respective parties, this Court granted leave to the petitioner to make representation within 15 days and to point out the vacancies where the petitioner could have been accommodated. This Court further directed that if the petitioner made representation, the respondent no. 2 should take suitable decision upon it within six weeks.

Now, by this application, the respondent nos. 2 and 3 have pointed out that subsequently, in similar matters, this Court passed orders in M.C.A. No. 1011/2018 in Writ Petition No. 3571/2018 and other connected matters on 19/09/2018, and directed that the representations made by the teachers for considering their claim for posting at the places within distance of 30 kilometers from the place where the spouse of that teacher was posted, should be considered at the time of effecting regular transfers in April/May/June, 2019. It is submitted that the respondent nos. 2 and 3 will consider the representation of the petitioner while effecting

general transfers in April/May/June, 2019.

The learned advocate for the petitioner states that the petitioner will be satisfied if the representation of the petitioner is considered as assured.

In view of the above, nothing survives in the application. The miscellaneous civil application is **disposed** with directions to the respondent nos. 2 and 3 to consider the representation made by the petitioner, while effecting transfers in April/May/June, 2019.

JUDGE

JUDGE

Ansari