

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

CIVIL APPLICATION (CAO) NO.1650 OF 2019
IN
MISC. CIVIL APPLICATION (STAMP) NO.14790 OF 2019
IN
WRIT PETITION NO.7244 OF 2018

(Shri Samarth New Education Society, thr. its Secretary and another Vs. State of Maharashtra thr. its Secretary, Department of Education, Mumbai and and others)

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

Court's or Judge's orders.

Shri S.S. Tambulkar, Advocate for Petitioner.
Shri H.D. Dubey, AGP for Respondent No.1.
Shri Anand Parchure, Advocate for Respondent Nos.2 & 3.

CORAM: RAVINDRA V. GHUGE AND
S.M. MODAK, JJ.

DATE: 7th FEBRUARY, 2020.

1] We have heard the learned Advocate for the respective sides on the civil application. Considering that the learned Advocate for the review applicant is ready to address the Court on the review application, the civil application seeking condonation of delay of 232 days, is allowed subject to the petitioner Education Society depositing Rs.2000/- with the High Court Bar Library, Nagpur on or before 07.03.2020.

2] The learned Advocate for the review applicant has strenuously canvassed that the order sought to be reviewed, is based on incorrect facts. The invigilators were made to sign on blank papers when the examination centre

was subjected to a surprise check by the flying squad. Based on such signatures by the invigilators, the blank papers were misused against the petitioner. It is further contended that in similar circumstances, the Chairman, Maharashtra State Secondary and Higher Secondary Education, Nagpur Divisional Board, Nagpur has restored the centre of Zilla Parishad, Junior College, Sukadi/Dak, Tahsil Tirora, vide communication dated 01.02.2019.

3] We find that this Court has considered the replies put-forth when the Board initiated action with regard to the complaints received. The petitioner examination centre is said to have been involved in mass copy. The petitioner submitted its reply to the Board on behalf of the centre and it was nowhere contended that the signatures of the invigilators were obtained on blank papers.

4] Considering the law laid down by the Hon'ble Apex Court in the matter of *Lily Thomas v. Union of India* reported in *AIR 2000 SC 1650*, a review petition cannot be considered as if the Court is permitting a re-hearing of the writ petition. We do not find that the review petitioner has made out any such ground, which would indicate an apparent error on the face of the order dated 26.10.2018.

5] In view of the above, the review application stands rejected.

(S.M. Modak, J.)

(Ravindra V. Ghuge, J.)