

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

921 REVIEW APPLICATION (CIVIL) NO.196 OF 2022

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
BHALCHANDRA SHENTADU THAKRE AND OTHERS

...
AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for Respondent No.30 in RA : Mr. Sandeep B. Sontakke

...
AND

**923 REVIEW APPLICATION (CIVIL) NO.262 OF 2022
IN WP/5798/2021**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
DILIP RANGRAO MAGAR AND OTHERS

...
AGP for Applicants / State : Mr. S.B. Yawalkar
Advocate for petitioner in WP : Mr. S.B. Sontakke

...
AND

935 CIVIL APPLICATION NO.2219 OF 2021

STATE OF MAHARASHTRA AND OTHERS
VERSUS
ASHOK BHATU AMRUTKAR AND ANOTHER

...
AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in WP : Ms. S.A. Dhongade

...
AND

**936 CIVIL APPLICATION NO.7979 OF 2021
IN RAST/14225/2021**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
ASHOK VITTHAL UDAWANT AND OTHERS

...

AGP for Applicants / State : Mr. S.B. Yawalkar
Advocate for petitioner in WP : Ms. S.S. Upadhya

...

AND

**937 CIVIL APPLICATION NO.7986 OF 2021
IN RAST/14856/2021**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
TUKADU MALUJI WANJARI AND OTHERS

...

AGP for Applicants / State : Ms. R.P. Gour
Advocate for petitioner in WP : Mr. S.B. Sontakke

...

AND

**938 CIVIL APPLICATION NO.7987 OF 2021
IN RAST/16475/2021**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
VINOD HARICHANDRA SINGARE AND OTHERS

...

AGP for Applicants / State : Mr. A.S. Shinde
Advocate for petitioner in WP : Mr. S.B. Sontakke

...

AND

**940 CIVIL APPLICATION NO.4222 OF 2022
IN RAST/4409/2021**

STATE OF MAHARASHTRA AND OTHERS
VERSUS
BHAGWAT MANIK CHAUDHARI

...

AGP for Applicants / State : Mrs. V.N. Patil - Jadhav
Advocate for petitioner in WP : Mr. H.P. Randhir

...

AND

**950 CIVIL APPLICATION NO.12330 OF 2022
IN RAST/18607/2022**

THE STATE OF MAHARASHTRA THROUGH SECRETARY AND
ANOTHER
VERSUS

RAJENDRA RAMDAS HAVELIKAR AND OTHERS

...

AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in WP : Mrs. S.S. Dhongade – Upadhyaya

...

AND

**962 REVIEW APPLICATION (CIVIL) NO.76 OF 2022
IN WP/5800/2021**

THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS
VERSUS

HANMANT HARIBA SAKHARE AND OTHERS

...

AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in WP : Mr. S.B. Sontakke

...

AND

**963 REVIEW APPLICATION (CIVIL) NO.179 OF 2022
IN WP/13969/2019**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS

ACHYUT SAWALARAM UJGARE AND OTHERS

...

AGP for Applicants / State : Mr. A.S. Shinde
Advocate for Respondent Nos.1 to 5 : Mr. S.K. Mathpati

...

AND

**964 REVIEW APPLICATION (CIVIL) NO.180 OF 2022
IN WP/13993/2019**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
SHIVRAJ DATTATRAYA BHARATI AND OTHERS

...

AGP for Applicants / State : Mrs. V.N. Patil Jadhav
Advocate for Respondent Nos.1 to 9 : Mr. S.K. Mathpati

...

AND

**965 REVIEW APPLICATION (CIVIL) NO.245 OF 2022
IN WP/14246/2019**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
MADHUKAR GYANOJI GAVANDE AND OTHERS

...

AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for Respondent Nos.1 to 4 in RA : Mr. S.B. Sontakke

...

AND

**967 REVIEW APPLICATION (CIVIL) NO.266 OF 2022
IN WP/11632/2019**

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS
VERSUS

AJIT SHESHERAO CHAVAN AND OTHERS

...

AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.K. Mathpati

...

AND

**968 REVIEW APPLICATION (CIVIL) NO.267 OF 2022
IN WP/12863/2019**

THE STATE OF MAHARASHTRA AND OTHERS
VERSUS
RAOSAHEB BAJIRAO JANGLE AND OTHERS

...

AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.S. Thombre

...
AND

**969 REVIEW APPLICATION (CIVIL) NO.268 OF 2022
IN WP/13967/2019**

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

VERSUS

DNYANOBA NIVRUTTI KALE AND ANOTHER

...
AGP for Applicants / State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...
AND

**952 CIVIL APPLICATION NO.13997 OF 2022
IN RAST/34851/2021 WITH CA/13998/2022 IN RAST/34851/2021**

THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Prashant D. Suryawanshi
AGP for Respondent – State : Mrs. V.N. Patil Jadhav
Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...
AND

**953 CIVIL APPLICATION NO.13999 OF 2022
IN RAST/34807/2021 WITH CA/14001/2022 IN RAST/34807/2021**

THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. Prashant D. Suryawanshi
AGP for Respondent – State : Mrs. V.N. Patil Jadhav
Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...
AND

954 CIVIL APPLICATION NO.14002 OF 2022

IN RAST/34864/2021 WITH CA/14004/2022 IN RAST/34864/2021

THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
PARSHURAM BAPPASAHEB ARSUL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Ms. R.P. Gour

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

955 CIVIL APPLICATION NO.14005 OF 2022

IN RAST/34846/2021 WITH CA/14007/2022 IN RAST/34846/2021

THE ZILLA PARISHAD THR ITS AUTHORIZED OFFICER
PARSHURAM BAPPASAHEB ARSUL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Ms. R.P. Gour

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

956 CIVIL APPLICATION NO.14008 OF 2022

IN RAST/34844/2021 WITH CA/14009/2022 IN RAST/34844/2021

THE ZILLA PARISHAD BEED THROUGH ITS AUTHORIZED OFFICER
PARSHURAM BAPPASAHEB ARSUL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mr. K.N. Lokhande

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

957 CIVIL APPLICATION NO.14010 OF 2022

IN RAST/34840/2021 WITH CA/14012/2022 IN RAST/34840/2021

THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

**958 CIVIL APPLICATION NO.14013 OF 2022
IN RAST/34856/2021 WITH CA/14014/2022 IN RAST/34856/2021**

THE ZILLA PARISHAD THR ITS AUTHORIZED OFFICER PARSHURA
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

**959 CIVIL APPLICATION NO.14015 OF 2022
IN RAST/34801/2021 WITH CA/14016/2022 IN RAST/34801/2021**

THE ZILLA PARISHAD, BEED THROUGH ITS AUTHORIZED OFFICER
VERSUS

THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mr. S.B. Yawalkar

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

**960 CIVIL APPLICATION NO.14017 OF 2022
IN RAST/34830/2021 WITH CA/14018/2022 IN RAST/34830/2021**

THE ZILLA PARISHAD BEED THROUGH ITS AUTHORIZED OFFICER
PARSHURAM BAPPASAHEB ARSUL
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

**961 CIVIL APPLICATION NO.14019 OF 2022
IN RAST/34835/2021 WITH CA/14020/2022 IN RAST/34835/2021**

THE ZILLA PARISHAD THR ITS AUTHORIZED OFFICER
PARSHURAM BAPPASAHEB ARSUL

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Applicant : Mr. Prashant D. Suryawanshi

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for petitioner in W.P. : Mr. S.K. Mathpati

...

AND

**939 CIVIL APPLICATION NO.2306 OF 2022
IN RAST/7801/2021**

THE CHIEF EXECUTIVE OFFICER AND OTHERS
VERSUS

YOGESH JAGANNATH SANER AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane

AGP for Respondent – State : Mrs. V.N. Patil Jadhav

Advocate for petitioner in W.P. : Mr. Y.B. Bolkar

....

AND

**941 CIVIL APPLICATION NO.4254 OF 2022
IN RAST/7816/2021**

THE CHIEF EXECUTIVE OFFICER AND OTHERS
VERSUS

PRAVIN RAJDHAR PATIL AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for petitioner in W.P : Mr. Y.B. Bolkar

....
AND

**942 CIVIL APPLICATION NO.4330 OF 2022
IN RAST/9360/2021**

THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS
SANJAYKUMAR DEVIDAS PATIL AND OTHERS

....
Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.B. Sontakke

....
AND

943 CIVIL APPLICATION NO.7475 OF 2022

THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS
SUNIL YUVRAJ PATIL AND OTHERS

....
Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.B. Sontakke

....
AND

**944 CIVIL APPLICATION NO.7495 OF 2022
IN RAST/7788/2021**

THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS
PRATIBHA KASHINATH PATIL AND OTHERS

....
Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.B. Sontakke

....
AND

945 CIVIL APPLICATION NO.7500 OF 2022

IN RAST/9349/2021

THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS
SANJAY BHANUDAS PATIL AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mrs. M.A. Deshpande
Advocate for petitioner in W.P : Mr. S.B. Sontakke

....

AND

**947 CIVIL APPLICATION NO.10577 OF 2022
IN RAST/7812/2021**

THE CHIEF EXECUTIVE OFFICER AND OTHERS
VERSUS
CHAYA SHIVAJI SONAWANE AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mr. S.B. Yawalkar
Advocate for petitioner in W.P : Mr. Y.B. Bolkar

....

AND

**948 CIVIL APPLICATION NO.11957 OF 2022
IN RAST/7814/2021**

THE CHIEF EXECUTIVE OFFICER AND OTHERS
VERSUS
GANESH PANDHARINATH MAHAJAN AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane
AGP for Respondent – State : Mr. K.N. Lokhande
Advocate for petitioner in W.P : Mr. Y.B. Bolkar

....

AND

**949 CIVIL APPLICATION NO.11958 OF 2022
IN RAST/7767/2021**

THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS

SAMADHAN DHARMA BAVISKAR AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane

AGP for Respondent – State : Ms. R.P. Gour

Advocate for petitioner in W.P. : Mr. S.B. Sontakke

...

AND

**951 CIVIL APPLICATION NO.12424 OF 2022
IN RAST/7780/2021**

**THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS**

NIVRUTTI SITARAM SURYAVANSHI AND OTHERS

...

Advocate for Applicants : Mr. Maheshkumar S. Sonawane

AGP for Respondent – State : Mr. A.S. Shinde

Advocate for petitioner in W.P. : Mr. S.B. Sontakke

...

AND

**966 REVIEW APPLICATION (CIVIL) NO.265 OF 2022
IN WP/12382/2019**

**THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS**

RADHAKISAN PUNJA DALVI AND OTHERS

...

Advocate for Applicants : Mr. Avinash D. Aghav

AGP for Respondent – State : Mrs. M.A. Deshpande

Advocate for Respondent Nos.1 to 6 in R.A. : Ms. Kavita S. Bhale

...

AND

946 CIVIL APPLICATION NO.9861 OF 2022

**THE CHIEF EXECUTIVE OFFICER AND ANOTHER
VERSUS**

AZARKHAN ALTAFKHA PATHAN AND OTHERS

...

Advocate for Applicants : Ms. Manjushri Narwade h/f. Mr. V.P.
Narwade

AGP for Respondent – State : Mr. S.B. Yawalkar

Advocate for Respondent Nos.3 to 13, 15 to 20, 22 to 77 & 79 to 90 :
Mr. Estling S. Murge

...

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 06-10-2022

ORAL ORDER (*PER* SANDEEP V. MARNE, J.) :

. The delay caused in filing the Review Applications are condoned. The Civil Applications for condonation of delay are disposed of.

2. The review petitions are filed by the State Government as well as various Zilla Parishads seeking review of orders passed by this Court on the subject matter of grant of advance increments either to the employees for excellent work or to the District Awardee Teachers. By orders passed by this Court which are under review, it has been declared that the scheme for grant of advance increments were continued either upto 24.08.2017 or upto 04.09.2018 as the case may be and that the Government Resolutions dated 24.08.2017 and 04.09.2018 would operate only prospectively.

3. We had an occasion to deal with the similar review petitions and by judgment and order dated 30.08.2022, we have rejected similar review petitions filed by the State Government and

the Zilla Parishads. The relevant portion of the judgment and order dated 30.08.2022 is reproduced below.

‘12. After having heard learned Counsels at length, we find that the review applicants have not been able to point out any specific instructions issued prior to 24.08.2017 / 04.09.2018 for discontinuation of the schemes for grant of advance increments. Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 do not indicate that any final decision was taken for discontinuation of schemes for advance increments. We proceed to examine the Government Resolution dated 27.02.2009 and Circular dated 03.07.2009 in details.

13. Government Resolution dated 27.02.2009 came to be issued by the State Government essentially for conveying the decision of the State Government about acceptance or otherwise of various recommendations made by the Hakim Committee constituted for implementation of recommendations of the 6th Central Pay Commission. In Annexure to the said Government Resolution, each recommendation and decision of the State Government thereon have been enumerated. So far as the scheme for advance increment is concerned, the same is to be found at serial number 27 of the Annexure (para 3.24 of Committees Report). In that paragraph, the Committee recommended that for employees/Officers rendering outstanding service, increment @ 4% be awarded instead of 3% and such increment be granted once in 5 years. It was further recommended that since increment at higher rate was being granted, the then existing scheme for grant of one or two advance increments be discontinued. However, in the column ‘Decision of State Government’ against para 3.24, remark is made stating that ‘separate action would be taken by General Administration Department’. As against various other recommendations, the remark ‘accepted’ has been made. The recommendation made in para 3.24 by the Hakim Committee was not accepted at least on the date of issuance of Government Resolution dated 27.02.2009 and General Administration Department was to take a decision thereon separately. Thus, it cannot be inferred that any specific decision was taken by the State Government on 27.02.2009 for discontinuation of scheme for grant of advance increment. Therefore, we do not find that the orders under review need to be disturbed on the basis of

the Government Resolution dated 27.02.2009.

14. Now, we come to the Circular dated 03.07.2009. By the said Circular, it was directed that the issue of discontinuation of scheme for grant of advance increment was under consideration with the State Government and that some time was required for taking final decision. Therefore, it was further directed that temporarily the pay fixation of the employees in the 6th Pay Commission scales be made without considering the advance increments. Thus, the Circular dated 03.07.2009 was clearly issued as a temporary measure. The said circular did not communicate any decision to the effect that the State Government discontinued the scheme for grant of advance increments. Therefore, we find that the reliance of Mr. Dixit on the Circular dated 03.07.2009 is again of no avail.

15. We have carefully gone through the Government Resolution dated 24.08.2017 and Circular dated 04.09.2018. By the Government Resolution dated 24.08.2017, final decision came to be taken in respect of recommendation made by the Hakim Committee in para 3.24 of its report directing that during the period from 01.10.2006 to 01.10.2015 when revised pay scales as per 6th Pay Commission were admissible, the benefit of advance increments should not be granted. Thus, the final decision on para 3.24 of Committees Report was taken by the State Government only on 24.08.2017. However, instead of simply directing that the scheme for grant of advance increments is discontinued, the State Government sought to give retrospective effect to its decision by directing that the benefit of such advance increments be not given during the period from 01.10.2006 to 01.10.2015. While issuing such orders having retrospective effect, the State Government lost sight of the fact that several employees were already granted the benefit of advance increments during the relevant period. As we have observed earlier, the deliberations for discontinuation of the scheme started only on 27.02.2009 / 03.07.2009 and prior to that, admittedly, the issue of discontinuation of the scheme for grant of advance increment was not even under consideration. The instructions for temporarily doing pay fixation without advance increments were issued on 03.07.2009. This means that several employees must have already been granted advance increments during the period from 01.10.2006 to 03.07.2009. We, therefore, fail to comprehend as to how the State Government could have issued directions on 24.08.2017 that the benefit of advance

increments should not be granted from 01.10.2006 onwards. Even in respect of employees becoming eligible for grant of advance increments after 27.02.2009, we do not find any error in the view taken by this Court that the Government Resolution dated 27.08.2017 would only have prospective effect.

16. Mr. Dixit relied upon the judgment of the Apex Court in **Union of India Vs. M.V. Mohanan Nair, AIR Online 2020 SC 617** in support of his contention that this Court should be loath in interfering with the recommendations of expert bodies like pay commission. We respectfully agree with the said proposition, but fail to comprehend as to how the said proposition can come to the aid of Mr. Dixit. In this case, the policy decision had been taken by the State Government which was discontinued in the year 2017-18. It is not that this Court has interfered in any of the policy decisions of the State Government nor has this Court shifted any cut off date. Therefore, the decision has no application.

17. Mr. Dixit also relied upon the judgment of the Apex Court in **Parisons Agrotech (P) Ltd., Vs. Union of India, AIR 2015 SC 3335** in support of his contention that the decisions taken in public interest cannot be held to be arbitrary. However, we do not find that this Court has transgressed its boundaries in holding that the concerned Government Resolutions / Circulars would have prospective effect. Therefore, this decision also has no application to the facts and circumstances of the present case.

18. Mr. Mathpati appearing for the original petitioners relied upon several decisions of this Court relating to the same issue and submitted that the State Government has not sought review of those. He relied upon the decision of this Court in **Raosaheb Shripati Desai & Ors. Vs. The State of Maharashtra, Writ Petition No.12531 of 2019** decided on **04.05.2021** by which this Court has granted the benefit of advance increments and has stopped the recovery. He submitted that the Special Leave to Appeal filed by the **Zilla Prishad** against the said decision in **Raosaheb Shripati Desai** (supra) has been dismissed by the Apex Court by its order dated 20.07.2022. He also relied on the decision of this Court in **Nitin Dattatraya Pawar and Ors Vs. The State of Maharashtra & Ors, Writ Petition No.8818 of 2018** decided on 10.03.2021 in respect of District Awardee Teachers, who were awarded certificates prior to 04.09.2018 and whose entitlement to

the advance increments have been upheld by this Court. He further pointed out that in Special Leave to Appeal (C) No.19730 of 2021 filed by Zilla Prishad against the said order, the Hon'ble Apex Court passed the following order:

‘It is not in dispute that, prior to 04.09.2018, the District Awardees were entitled to get the additional increment. It was only pursuant to the Circular dated 04.09.2018, the District Awardees were not entitled to get the additional increment. Therefore, for the period prior to 04.09.2018, the District Awardees were entitled to get the additional increment and, therefore, no error has been committed by the High Court in directing the benefit of additional increment to the District Awardees for the period prior to 04.09.2018.

We are in complete agreement with the view taken by the High Court. The Special Leave Petition stands dismissed.’

Thus, one of the orders passed by this Court involving similar issue has already been upheld by the Apex Court. It is incomprehensible how State Government can seek review in present cases having unsuccessful in the challenge before the Apex Court.

19. In the recent judgment, the Apex Court has reiterated the scope of review in **S. Madhusudhan Reddy Vs. V. Narayana Reddy and Others, 2022 SCC OnLine SC 1034** in which it is held in para 31 as under:

“31. As can be seen from the above exposition of law, it has been consistently held by this Court in several judicial pronouncements that the Court’s jurisdiction of review, is not the same as that of an appeal. A judgment can be open to review if there is a mistake or an error apparent on the face of the record, but an error that has to be detected by a process of reasoning, cannot be described as an error apparent on the face of the record for the Court to exercise its powers of review under Order XVII Rule 1 CPC. In the guise of exercising powers of review, the Court can correct a mistake but not substitute the view taken earlier merely because there is a possibility of taking two views in a matter.

A judgment may also be open to review when any new or important matter of evidence has emerged after passing of the judgment, subject to the condition that such evidence was not within the knowledge of the party seeking review or could not be produced by it when the order was made despite undertaking an exercise of due diligence. There is a clear distinction between an erroneous decision as against an error apparent on the face of the record. An erroneous decision can be corrected by the Superior Court, however an error apparent on the face of the record can only be corrected by exercising review jurisdiction. Yet another circumstance referred to in Order XLVII Rule 1 for reviewing a judgment has been described as “for any other sufficient reason”. The said phrase has been explained to mean “a reason sufficient on grounds, at least analogous to those specified in the rule”.

20. In the result, we do not find that any case is made out by the review applicants for review of the orders passed by this Court. The review applications are accordingly dismissed without any order as to costs.’

4. We find that the issue involved in the present review petitions is squarely covered by the judgment and order dated 30.08.2022. Following that order, we proceed to reject the present review petitions. Accordingly, the review petitions are rejected without any orders as to costs.

5. Civil Applications for stay are disposed of.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)