

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

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**REVIEW PETITION NO.6 OF 2022
IN
WRIT PETITION (ST.) NO.3568 OF 2021**

Ramchandra Maruti Gonte

.. Petitioner

Versus

The State of Maharashtra & Ors.

.. Respondents

Mr.S.A. Pilankar i/by Dr.U.P. Warunjikar for the Petitioner.

Mrs.M.S.Bane, AGP for the State.

Mr.Dilip Bodke for the Respondent Nos.3 & 4.

**CORAM : R.D. DHANUKA &
ABHAYAHUJA, JJ.**

DATE : 2nd May 2023

P.C.:-

. By this Review Petition, the Review Petitioner seeks recall of the order dated 2nd December 2021 passed by this Court in Writ Petition No.12198 of 2019 along with Writ Petition (St.) No.3568 of 2021 filed by the Review Petitioner.

2. Mr.Pilankar, learned counsel for the Review Petitioner invited our attention to the reasons recorded by this Court in paragraph 35 of the said order dated 2nd December 2021 passed by this Court and also invited our attention to prayer clause (A) of the Review Petition filed by his client and vehemently urged that it is erroneously recorded that his client has not challenged the impugned transfer in any Competent

Court of law but approached the Education Officer (Secondary) even though the Petitioner has filed the said Writ Petition and thus there is an error apparent on the face of the record and more particularly in view of the said order observing that the Review Petitioner did not challenge the impugned order in any Competent Court of law.

3. The next submission of the learned counsel is based on certain grounds which were not raised in the Writ Petition filed by his client that are now raised in the Review Petition and more particularly ground (F).

4. Mr.Bodke, learned counsel for the Respondent Nos.3 & 4 vehemently opposed the Review Petition on the ground that the Review Petitioner has not challenged the order of transfer before the appropriate authority i.e. Grievance Redressal Committee which is in place. He submitted that the grounds which were not raised in the Writ Petition cannot be allowed to be raised at this stage, in the Review Petition.

5. In so far as the first ground urged by the Review Petitioner before this Court that though the Petitioner had challenged the order in the Writ Petition filed by the Review Petitioner, the same is rejected on

the ground that the Petitioner did not challenge the impugned transfer in any Competent Court of law but approached the Education Officer (Secondary) for seeking intervention in the matter is concerned, learned counsel for the Review Petitioner did not dispute that such order of transfer could have been challenged before the Grievance Redressal Committee which was constituted pursuant to the judgment delivered by this Court. We cannot therefore recall the order dated 2nd December 2021 passed by this Court on this ground.

6. In so far as the second ground raised by the Review Petitioner is concerned, it is a common ground that the ground now raised and more particularly ground (F) in the Review Petition was not raised in the Writ Petition. We cannot entertain the said ground (F) raised for the first time in the Review Petition.

7. No error apparent on the face of the record is pointed out by the Review Petitioner nor any case for review is made out under any other ground of Order 47 of the Code of Civil Procedure, 1908. Review Petition is thoroughly misconceived. Review Petition is accordingly dismissed. No order as to costs.

ABHAY AHUJA, J.

R.D. DHANUKA, J.