

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

MCA No.479/2023 in Writ Petition No.38/2019 (D)

Public Education Society, Murtijapur V Riyaz Ahmad Khan and another

Office notes, Office Memoranda of
 Coram, appearances, Court's orders
 or directions and Registrar's orders.

Court's or Judge's Orders

Mr. S.M. Vaishnav, Adv for petitioner.

CORAM : Avinash G. Gharote, J.

DATE : 10-07-2023

Heard.

2. Mr. Vaishnav, learned Counsel for the applicant, is trying to raise a ground that the delay which has occasioned in filing an appeal u/s 9 of the Maharashtra Employees of Private Schools (Conditions of Services) Regulation Act, ("MEPS Act", for short), which has been condoned by the learned Tribunal ought not to have been interfered with by this Court while passing the order dated 20-8-2021 dismissing the Writ Petition No. 38/2019. He places reliance upon the judgment of Anmol Devaji Goswami vs Nagsen Shikshan Sanstha, Nagpur and others reported in 2020(6) ABR 582 and Esha Bhattacharjee vs Managing Committee of Raghunathpur Nafar Academy and others, reported in (2013) 12 SCC 649.

3. It is a settled position of law that under the garb of review, there cannot be rehearing of the petition. This Court has already considered the question of delay in the order dated 20-8-2021. Even presuming that no liberty was granted on an earlier occasion when Writ Petition No.3014/2014 was dismissed. I, therefore, do not see any ground for review has been made out by the petitioner, as what is being sought to be canvassed is rehearing of the matter and no error apparent on the face of the record has been pointed out. Therefore, the application is dismissed. No costs.

JUDGE