

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

...
MISCELLANEOUS CIVIL APPLICATION (REVIEW) NO: 867/2022
IN
WRIT PETITION NO. 2683/2021

Pankaj Narayan Patil, Wardha

.. Applicant
Petitioner

versus

The State of Maharashtra
Th: Its Secretary Technical Education
Mumbai and others

.. Respondents

.....
Ms. Mugdha Chandurkar, Advocate for the applicant/Petitioner

Mr. N.S.Rao, AGP for Respondents 1 to 3

Mr. N.P. Lambat, Advocate for Respondent 4

Mr. Dhiraj Bhoyar, Advocate for Respondent 5

Mr R.B. Puranik, Advocate for Respondents 6 and 7
.....

CORAM: ROHIT B. DEO & ANIL L. PANSARE, JJ.

DATED : 6th January, 2023.

PC:

The review-petitioner has put forth the following substantive
prayer:-

“(a) Review the judgment passed by 17.11.2022 in Writ Petition No. 2683/2021 to the limited extent of granting the same benefits to the present Petitioner as his appointment Assistant Professor was approved on 27.08.2010, hence he is teacher as defined under Section 2 (61) of the Act of 2016 and is entitled to the relief as granted to the other petitioners who are referred and granted as Teachers in the said judgment (Annexure P-1) in the interest of justice.”

2. The review of the judgment and order dated 17.11.2022 in Writ Petition No.2683/2021 is sought not on the ground of any error in the order as such, but on the ground that as a fact the documents which were

placed on record to show that the review-petitioner (original petitioner no.2) was/is an approved teacher. Mr.R.B. Puranik, learned counsel for Respondent nos.6 and 7 Management, fairly does not dispute that the review-petitioner is an approved teacher.

3. The pleadings were silent on this point and, therefore, the benefits granted to other Petitioners were not granted to the review-petitioner. The only reason for not granting such benefit was that the pleadings does not disclose that he was an approved teacher.

4. Be that as it may, in today's hearing the status of review-petitioner as approved teacher has been admitted by the Management. The documents to that effect were placed before the Court but the parties failed to point out the same. The error appearing in the judgment dated 17.11.2022 is, therefore, required to be corrected.

5. Our attention has been invited to paragraph 14 of the judgment, which is couched in the following terms:

*14. Before we comment upon the stand taken by the State, University, AICTE and the Management, we may note the relevant facts. There is no dispute that the teachers were appointed by the Management in accordance with the Rules and also received approval from the State. The exception to it, is the Petitioner No.2-Pankaj Narayan Patil in Writ Petition No. 2683/2021. Since his appointment is/was not approved, he cannot be said to be a teacher as defined under section 2(61) of the Act of 2016, which recognizes only **approved** professors, assistant professors etc. We will therefore, not consider his grievance. The reference to the 'teachers' henceforth would include the petitioners in both the petitions, except the petitioner named above."*

6. The findings recorded in the aforesaid paragraph will have to

be ignored in view of the fact that the review-petitioner is a teacher, as defined under section 2(61) of the Act of 2016. The review-petitioner, therefore, has made out a case in his favour.

7. Resultantly, Miscellaneous Civil Application stands allowed and disposed of in terms of prayer clause (a), which is quoted herein-above, with no order as to costs.

[ANIL L. PANSARE, J.]

(ROHIT B. DEO, J.)

sahare