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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION (CIVIL) NO.36 OF 2024
(Urmila Sukhdev Pawar Vs. The State of Maharashtra and another)
IN
WRIT PETITION NO.839 OF 2024

Mr.Y.D.Kale, Advocate for the Applicant.
Mr.A.A.A.Khan, AGP for Respondent No.1.
Mr.U.B.Bondar, Advocate for Respondent No.2.

**(CORAM : RAVINDRA V. GHUGE AND
Y.G.KHOBRADE, JJ.)**

DATE : APRIL 4, 2024

PER COURT :

1. On 23.01.2024, we had passed the following order in
WP No. 839/2024, filed by the present applicant (original Petitioner)

:-

"1. The record reveals and the learned Advocate for the Zilla Parishad points out that, the Petitioner was allotted a location by way of transfer as per one of her 30 choices. Now she submits that she is 60 kms. Away from her husband, who is in a grand in aid school. She has put forth the representation dated 24.07.2023 praying for a sympathetic approach.

2. The learned Advocate for the Zilla Parishad submits that if it is practicable and feasible and if any vacancy is available, the case of the Petitioner would be considered in the next transfer season.

3. Having recorded the said statement, this Petition is disposed off."

2. The learned Advocate for the applicant has issued a good grounds certificate, indicating ground Nos. (I) to (VI), which read as under :-

"I. It ought to be held that, the statement of respondent No.2 may not be made by taking proper instructions. Therefore, same need to reconsidered in the light of information available with the applicant.

II. It ought to be held that, the gradian of the said documents has been provided information of vacant post.

III. It ought to be held that, the case of the applicant can be considered in this season only, as there are 49 vacancies available in Aurangabad Taluka and 23 in Phulambri Taluka as per the information.

IV. It ought to be held that, though this Hon'ble Court has pleased to order to considered the claim of the applicant in next season. But, in the next season the entire process and the mechanism would get change. The applicant would have to face the same problems in the next season.

V. It ought to be held that, though the respondent No.2 has given 30 choices but, they have not provided any option for that and therefore, the applicant has to accept the said school.

VI. It ought to be held that, this is first time of the applicant to availed this benefit and hence same needs to be reconsidered."

3. While addressing the Court, the Petitioner is unable to point out a single ground which can be sustained in view of Order 47 of the Code of Civil Procedure and in the light of the law laid

down by the Hon'ble Supreme Court in **Lily Thomas Vs. Union of India, [AIR 2000 SC 1650]**, **S. Madhusudhan Reddy Vs. V.Narayana Reddy and Others [2022 SCC Online SC 1034]** and **Pancham Lal Pandey Vs. Neeraj Kumar Mishra and Others [2023 SCC Online SC 143]**.

4. The Hon'ble Supreme Court has deprecated the practice of filing review petitions, indiscreetly. This is one example wherein the Applicant has approached this Court on the ground that she should be considered for transfer immediately, when it is undisputed that the school in which the Petitioner teaches, has students, who would have their examinations during March – April 2024. Yet the Petitioner / Applicant has filed this Petition.

5. Needless to state, keeping in view the recent order dated 18.01.2024 passed by the Hon'ble Supreme Court in **SLP (C) No.4498/2024 (Ranbir Singh Vs. State of Uttar Pradesh and another**, imposing costs of Rs. One lakh and the order dated 14.03.2024 passed by the Delhi High Court imposing costs of Rs.1,00,000/- in **RSA No.194/2023 (Late Akshem Chand Through LR Atlo Devi Vs. Suresh Bala and Others)** , matters which are filed without a justifiable cause, need to be dismissed

with costs. We are inclined to impose costs of Rs.Fifty thousand.

6. The learned Advocate for the Petitioner / Applicant submits that the Petitioner would voluntarily donate an amount of Rs.25,000/-. The Respondent submits that the amount may be distributed to the Advocate Associations' Bar Library, High Court, Aurangabad and Advocate's Association of the Bombay High Court, Bench at Aurangabad, in equal proportions. The request is accepted.

7. This Review Petition is, therefore, dismissed. Let the Petitioner deposit the amount in this Court by way of donation on or before 15.04.2023. Registry is directed to transfer the said amount in equal proportions to the Advocate Associations' Bar Library, High Court, Aurangabad and Advocate's Association of the Bombay High Court, Bench at Aurangabad.

(Y.G.KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)