



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

REVIEW APPLICATION NO. 104 OF 2024
IN WRIT PETITION NO. 1524/2023

Gajanan Shriram Pakhare ...Applicant
Versus
The State of Maharashtra & Ors ...Respondents

- Mr. D. R. Irale Patil, Advocate for the Applicant
- Mr. P. D. Suryawanshi, AGP for the Respondents/State
- Mr. V. A. Bagal, Advocate for the Respondent Nos. 3 and 4

CORAM : NITIN B. SURYAWANSHI,
R.M. JOSHI, JJ
DATE : DECEMBER 19, 2024

ORDER (PER R. M. JOSHI, J)

1. This Application seeks review of order dated 01.03.2024 passed in Writ Application No. 1524/2023.
2. We have heard learned Counsels for both sides.
3. It is the case of the Applicant that the order under review came to be passed on the basis of inadvertent statement made on behalf of the Petitioner before the Court. It is the case of the Applicant that decision dated 23.04.2010 in file no. DB/Appeal/Cell/ZP/89/2009 and the communication by Deputy Commissioner, Establishment Department of the

Divisional Commissioner, Chhatrapati Sambhajinagar addressed to Chief Executive Officer, Zilla Parishad dated 20.10.2018 being orders contrary to each other cannot be complied together.

4. Learned Counsel for the Applicant submits that inadvertently a statement came to be made before this Court as recorded in paragraph 4 of the order under review, which has resulted into the passing of the same. It is his submission that he be permitted to correct his statement and that Application may be allowed in terms of prayer clause B & B-1 of the Review Application.

5. We find substance in the contention of the Applicant that it was his case that the order dated 20.10.2018 passed by the Divisional Commissioner is contrary to earlier judgment and order passed in Appeal No. 89/2009 dated 23.04.2010, a direction could not have been issued to Respondent No. 2 to comply both orders.

6. There is no dispute about the fact that on the basis of the statement made on behalf of Applicant of

compliances of two orders, the order came to be passed for compliance thereof. As rightly pointed out by the learned Counsel for the Applicant that these two orders are inconsistent to each other and hence, there is no question of their compliance. Thus, inadvertent error on the part of the Petitioner led to passing of order under review and hence, such order needs to be reviewed.

7. In view of above, we find this to be a fit case to review order dated 01.03.2024 passed in Writ Petition No. 1524/2023. Hence, Review Application stands allowed in terms of prayer clauses 'B' and 'B-1', which reads thus:

B) Quashing and setting aside the subsequent order dated 20.10.2018 passed by the Divisional Commissioner, which is contrary to the earlier judgment and order in appeal no. 89/2009 dated 23.04.2010 and direct the resp. No.2 comply the said order in its true spirit and oblige.

B1) Kindly Review the order dt. 1.3.2024 passed in WP No.1524/2023 in the interest of justice.

(R. M. JOSHI, J.)

(NITIN B. SURYAWANSHI, J)