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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW APPLICATION (CIVIL) NO. 271 OF 2024
IN
WRIT PETITION NO.12486 OF 2024**

Pandurang Uttam Rathod

VERSUS

1. The State of Maharashtra,
thr. District Collector, Nanded
2. The Sub Divisional Officer, Bhokar,
Tq. Bhokar, Dist. Nanded
3. Ramesh Mansing Ade

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Mr Mahesh K. Bhosale, Advocate for applicant
Mr R. S. Wani, A.G.P. for respondent Nos.1 & 2

**CORAM : MANGESH S. PATIL
AND
PRAFULLA S. KHUBALKAR, JJ.**

DATE : 10th December, 2024

PER COURT (Prafulla S. Khubalkar, J.) :-

1. This is an application seeking review of the judgment and order dated 19/11/2024 in Writ Petition No.12486/2024. By the judgment sought to be reviewed, the writ petition filed by this applicant was dismissed upholding the judgment and order passed by the Maharashtra Administrative Tribunal (for short 'Tribunal'). By

(2)

this review application, the applicant/petitioner has sought for review of the judgment on several grounds stated in the review application.

2. Heard learned advocate Mr Mahesh K. Bhosale for the review applicant and the learned A.G.P. Mr R. S. Wani for respondents/State.

3. We have carefully perused all the grounds raised by the applicant in the instant review application. It is pertinent to note that in all the grounds for review numbered as (I) to (IX), the applicant has raised several points which are in the nature of challenge to the judgment and order passed by the Tribunal and the judgment of this Court. A perusal of the grounds itself shows that applicant has referred to the judgment of the Tribunal and the judgment sought to be reviewed as 'impugned verdicts'. A careful perusal of the grounds shows that the applicant has raised points on merits of the subject matter. None of the grounds raise any point demonstrating 'error apparent on the face of the record' necessitating review of the judgment. Even during the course of arguments, the learned advocate for applicant has only attempted to re-argue the writ petition on merits.

4. As regards the power of review, the position of law is well settled that the applicant has to make out a case for review by raising

(3)

specific grounds demonstrating 'discovery of new and important matter or evidence' or 'mistake or error apparent on the face of the record'. Further, the mistake or error has to be apparent and it has to be a kind of self evident mistake or error.

5. In the instant case, the grounds raised by the applicant nowhere demonstrate any kind of error apparent on the face of the record. The contentions raised by the applicant are in the nature of grounds of challenge to the judgment of the Tribunal and the judgment sought to be reviewed.

6. In support of his arguments, the learned advocate for the applicant has relied on the judgments in the matter of **Divya Vs. Union of India**, reported in **AIROnline 2023 SC 940** and in the matter of **Mrs. Rekha Chaturvedi Vs. University of Rajasthan and others**, reported in **1993 AIR SCW 1488**, which are dealing with the issue regarding the date of eligibility of a candidate, which is subject matter of merits of the writ petition.

7. In response to the arguments of the learned advocate for the applicant, the learned A.G.P. Mr Wani has relied on a judgment reported in the matter of **Tamil Nadu Electricity Board and another**

(4)

Vs. N. Raju Reddiar and another, [(1997) 9 SCC 736] and invited the Court's attention to the fact that the instant review application is filed by a lawyer, who had not argued the writ petition. He had invited the attention of this Court to an extract from the judgment of **Tamil Nadu Electricity Board** (supra), which is reproduced below :

“1. Unfortunately, it has become, in recent time, a practice to file such review petitions as a routine, that too, with change of counsel, without obtaining consent of the Advocate-on-Record at earlier stage. This is not conducive to healthy practice of the Bar which has the responsibility to maintain the salutary practice of profession. In Review Petition No. 2670 of 1996 in CA No. 1867 of 1992, a Bench of three Judges to which one of us, K. Ramaswamy, J., was a member, had held as under:

"The record of the appeal indicates that Shri Sudarsh Menon was the Advocate-on-Record when the appeal was heard and decided on merits. The review petition has been filed by Shri Prabir Chowdhury who was neither an arguing counsel when the appeal was heard nor was he present at the time of arguments. It is unknown on what basis he has written the grounds in the review petition as if it is a rehearing of an appeal against our order. He did not confine to the scope of review. It would not be in the interest of the profession to permit such practice. That apart, he has not obtained 'No Objection Certificate' from the Advocate-on-Record in the appeal, in spite of the fact that Registry had informed him of the requirement for doing so. Filing of the 'No Objection Certificate' would be the basis for him to come on record. Otherwise, the Advocate-on-Record is answerable to the Court. The failure to obtain the 'No Objection Certificate' from the

(5)

erstwhile counsel has disintitled him to file the review petition. Even otherwise, the review petition has no merits. It is an attempt to reargue the matter on merits.

On these grounds, we dismiss the review petition."

8. In view of the above, we are of the considered opinion that the applicant has failed to make out any case for review. The instant application for review, therefore, deserves to be rejected.

9. The review application is rejected with no order as to costs.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)

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