



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

**CIVIL APPLICATION NO. 180 OF 2024**  
**AND MISC. CIVIL APPLICATION (REVIEW) ST. NO. 2028 OF 2024**  
**IN WRIT PETITION NO. 2505 OF 2020 (D)**

**(State of Maharashtra & Ors. Vs. Bansraj Singh Thakur Education Society & Ors.)**

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Office Notes, Office Memoranda of Coram,  
appearances, Court's orders of directions  
and Registrar's Orders.

Court's or Judge's orders.

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Ms Kalyani Deshpande, A.G.P. for the applicants/State.  
Shri S.V. Manohar, Senior Counsel with Shri N.A. Jachak,  
Counsel for the respondents.

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**CORAM : ANIL L. PANSARE AND**  
**ABHAY J. MANTRI, JJ.**  
**APRIL 5, 2024.**

The applicant/State Government has filed application for condonation of delay of 758 days in filing review application to recall judgment and order dated 2/12/2021 passed by this Court (Coram : Sunil B. Shukre and Anil L. Pansare, JJ.) in Writ Petition No. 2505/2020.

2] The respondents, who were petitioners in Writ Petition No. 2505/2020, came up with a case that transfer of four Assistant Teachers from unaided to aided School, run by the same Management, is permissible. The respondents placed reliance upon the view taken by this Court in two Writ Petitions. The learned A.G.P. also agreed to the proposition of law.

3] The State Government is now relying upon a Government Resolution dated 20/7/2009 by which the State Government took a decision to issue grants to permanent non-grant in aid basis Schools, except English medium Schools.

4] In the present case, the Assistant Teachers are/were transferred from permanent non-grant-in-aid English medium to grant-in-aid School run by the same Management. This transfer, according to the applicant, being contrary to the Government Resolution, review of order passed by this Court is sought.

5] Shri S.V. Manohar, learned Senior Counsel has invited our attention to the affidavit-in-reply filed by the Deputy Director of Education, Nagpur (respondent no.2 in Writ Petition) to point out that this ground was raised by the respondents.

6] The respondents indeed had pleaded that there is no State Government policy about transfer of Teachers from permanent non-grant in aid English medium Schools to grant-in-aid Schools. In fact, the Deputy Director has also referred to the Government Resolution dated 20/7/2009.

7] A perusal of order sought to be reviewed clearly indicates that this contention was considered and rejected in terms of view taken by this Court in *Writ Petition No. 8556/2019 (Bansilal Kanoje Vs. State of Maharashtra and others)* read with *Writ Petition No. 138/2003 (Shri Gajpal Udgave Trust and others Vs. State of Maharashtra)*.

8] The applicant/State Government, thus, failed to show a mistake or error apparent on the face of record, nor has it shown any new or important matter of evidence, which has emerged after passing of the

judgment, nor is any sufficient reason shown to review the order under question.

9] Thus, even if the delay is condoned, the applicant/State Government failed to make out a case.

10] Accordingly, the application seeking to condone delay is allowed. The review application is, however, rejected.

**(ABHAY J. MANTRI, J.)**

**(ANIL L. PANSARE, J.)**

Sumit