



IN THE HIGH COURT OF JUDICATURE AT BOMBAY BENCH
AT AURANGABAD

CIVIL APPLICATION NO. 11191 OF 2025
IN RAST/19512/2025

PRAVIN SUDHAKARRAO TELANG
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL
SECRETARY AND OTHERS

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Advocate for Applicant : Ms. P. S. Talekar h/f Talekar And
Associates.

AGP for Respondent/State : Mr. V. M. Kagne.
Advocate for Respondent Nos.2 & 3 : Mr. R. J. Godbole.

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CORAM : SMT. VIBHA KANKANWADI, AND
SHAILESH P. BRAHME, JJ.

DATE : 09.10.2025

FINAL ORDER :-

1. Heard respective parties.
2. Applicant is seeking condonation of delay of 136 days in preferring review application. For the reasons stated in the application, we find it fit to condone the delay. Delay of 136 days stands condoned. Civil application for delay is allowed.
3. A judgment and order dated 16.01.2025 in Writ Petition No.5052 of 2022 passed by the Division Bench of which one of us (Shailesh P. Brahme, J.) is a party, is sought to be reviewed.

4. Learned counsel Ms. Talekar submits that not permitting to engage lawyer when the presenting Officer had vast legal experience and ability and the Inquiry Officer was a Judicial Officer, is gross violation of principles of natural justice and fair play. It is submitted that the Division Bench committed apparent mistake in discarding the plea raised in that regard. The approach of the Division Bench in dismissing writ petition is against law laid down by Supreme Court in the matter of ***Ramesh Chandra Vs. Delhi University and others ; (2015) 5 Supreme Court Cases 549.***

5. Learned AGP and learned counsel for the respondents support the findings and reasons assigned in paragraph Nos.16 and 17 of the judgment in question. They would submit that it is impermissible while exercising review jurisdiction to substitute a view.

6. Before examining the merits of the case, in the latest pronouncement of Apex Court in ***Malleeswari Vs. K. Suguna and another***, the parameters and scope of review jurisdiction is reiterated in following manner :

“15. It is axiomatic that the right of appeal cannot be assumed unless expressly conferred by the statute or the rules having the force of a statute. The review jurisdiction

cannot be assumed unless it is conferred by law on the authority or the Court. Section 114 and Order 47, Rule 1 of CPC deal with the power of review of the courts. The power of review is different from appellate power and is subject to the following limitations to maintain the finality of judicial decisions :

15.1 The review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of CPC.

15.2 Review is not to be confused with appellate powers, which may enable an appellate court to correct all manner of errors committed by the subordinate court.

15.3 In exercise of the jurisdiction under Order 47 Rule 1 of CPC, it is not permissible for an erroneous decision to be reheard and corrected. A review petition, it must be remembered, has a limited purpose and cannot be allowed to be an appeal in disguise.

15.4 The power of review can be exercised for the correction of a mistake, but not to substitute a view. Such powers can be exercised within the limits specified in the statute governing the exercise of power.

15.5 The review court does not sit in appeal over its own order. A rehearing of the matter is impermissible. It constitutes an exception to the general rule that once a judgment is signed or pronounced, it should not be altered. Hence, it is invoked only to prevent a miscarriage of justice or to correct grave and palpable errors.”

7. In the case at hand, the disciplinary action was taken against the petitioner and he was terminated. The action is confirmed by Appellate Authority, dismissing his appeal. Being

aggrieved, he had filed writ petition which is dismissed on merits vide judgment dated 16.01.2025 which is called in question in the review jurisdiction.

8. The petitioner was a Stenographer. The presenting Officer was not a law graduate. The application dated 08.06.2020 seeking permission to engage a lawyer was rejected by Inquiry Officer. In view of Rule (8)(a) of the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979, the denial of legal assistance is held to be justified. The submissions in this regard are dealt with in paragraph Nos.16 and 17 of the judgment in question.

9. It is not that the plea raised by the petitioner has been overlooked or by-passed. The erroneous decision cannot be a ground for review. Similarly, under the garb of review jurisdiction, substitution of a view is impermissible. We find that no case is made out to cause any interference in the judgment in question.

10. The judgment of Hon'ble Apex Court which is pressed into service rendered in *Ramesh Chandra Vs. Delhi University (supra)* was not shown when matter was heard by the Division Bench. In that case, petitioner was a Professor and he was not

permitted to engage a legal practitioner. His inquiry was conducted by retired Judge of High Court. The presenting Officer is recorded to be a person who had garnered vast experience. Distinguishing feature of the cited judgment and the present case is that inquiry of the applicant is regulated by the Maharashtra Civil Services (Discipline and Appeal) Rules, 1979. The granting of the permission to engage legal practitioner has been specifically governed by Rule (8)(a). Considering the statutory provision, it has been recorded that petitioner is not entitled to have legal assistance. Such is not the case in a cited judgment. Therefore, this judgment will not help the applicant. We do not find that there is any mistake apparent on the face of the record.

11. Review application is rejected.

(SHAILESH P. BRAHME, J.) (SMT. VIBHA KANKANWADI, J.)

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vmk/-