



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

902 CIVIL APPLICATION NO.7140 OF 2025
IN
REVIEW APPLICATION (STAMP) No.20040 OF 2025
IN
WRIT PETITION NO.4023 OF 2020

- 1 The State of Maharashtra
Through it's Secretary,
Persons with Disabilities Welfare Department,
3rd Floor, 'A' Wing, Mittal Tower,
Nariman Point, Mumbai – 400 032.
- 2 The Commissioner
for Welfare of Handicapped,
Maharashtra State,
3, Church Road, Pune – 411 001.
- 3 District Social Welfare Officer,
Zilla Parishad, Dist. Beed.
- 4 District Social Welfare Officer,
Zilla Parishad, Dist. Dharashiv.

... Applicants

... Versus ...

- 1 Sunanda Ramchandra Kale,
Age 52 yrs., Occ. Service,
R/o 1821, New Pashapeth,
Dattanagar, Solapur,
Dist. Solapur.
- 2 Manoj Rajendra Bhale,
Age 43 yrs., Occ. Service,
R/o Nandgaon, Tq. Tuljapur,
Dist. Dharashiv.

- 3 Suresh Ganeshgir Goswami,
Age 51 yrs., Occ. Service,
R/o Netaji Subhashchandra Bose Colony,
Jalkot Road, Udgir, Tq. Udgir,
Dist. Latur.
- 4 Narsinggir Shrawangir Buwa,
Age 48 yrs., Occ. Service,
R/o Aurad (Gunjoti),
Tq. Omerga, Dist. Dharashiv.
- 5 Vanmala Ishwar Sawant,
Age 54 yrs., Occ. Service,
R/o Rahimnagar, Naldurg,
Tq. Tuljapur, Dist. Dharashiv.
- 6 Nanda Sopan Londhe,
Age 50 yrs., Occ. Service,
R/o Indiranagar, Naldurg,
Tq. Tuljapur, Dist. Dharashiv.
- 7 Shri Kshatriya Maharaj Odiyar Smarak
Samiti Samaj Kalyan Sanstha, Solapur
Through Nutan Apang Niwasi Vidyalaya,
Majalgaon, Tq. Majalgaon,
Dist. Beed.
- 8 Nutan Apang Niwasi Vidyalaya,
Majalgaon, Tq. Majalgaon,
Dist. Beed.

... Respondents

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Mrs. Priya R. Bharaswadkar, AGP for applicants

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**CORAM : SMT. VIBHA KANKANWADI &
SANJAY A. DESHMUKH, JJ.**

DATE : 18th JULY, 2025

ORDER :

. Present application has been filed for condonation of delay of 778 days in filing review application seeking recall and/or modification of order 19.04.2023 passed in Writ Petition No.4023 of 2020 and to deal with review application.

2 Heard learned AGP Mrs. Priya R. Bharaswadkar for applicants.

3 The first and the foremost fact that is required to be noted is, the State Government who was a party to Writ Petition No.4023 of 2020 seeks to condone huge delay. Instead of giving reason for delay in filing the review application, it is stated in the application as to how and in what manner the communications were made. Another fact that is required to be noted is that in view of order that was passed in Writ Petition No.4023 of 2020 applicant No.1 had restored the appeal and after hearing all the concerned had dismissed the appeal and confirmed the order of derecognition on 04.11.2024. That means, part of the same order has been obeyed by applicant No.1 with knowledge as to what is expected to be done by the applicants. When part of the impugned order has been obeyed now, after delay of 778 days the applicants cannot seek the review of part of the order.

As per said order in fact, the Headmaster was supposed to submit the bills for such months for which salary is not paid to the teaching and non teaching staff of school at Naldurg and the District Social Welfare Officer, Osmanabad after following due procedure was directed to get the bills sanctioned and the salary bills shall be cleared within 30 days. It is then stated that vide letter dated 31.01.2025 applicant No.1 had raised certain queries on the proposal of demand of funds report sent by applicant No.2 to applicant No.1 complying with all deficiencies in the proposal. Even applicant No.1 had made available amount of Rs.1,87,62,078/- to applicant No.2 on 27.02.2025. On the same day the said fund was then given to applicant No.4 for his disbursement to applicant Nos.1 to 6 as unpaid salaries. Now, applicants are coming with a case that actually after the transfer of school from Naldurg to Majalgaon said school was never started, even till today. We have the entire record of original writ petition also with us on behalf of respondent Nos.1 and 2 in the main petition i.e. present applicant Nos.1 and 2. Affidavit of Mr. Ravikant Maruti Shinde, the District Social Welfare Officer, Zilla Parishad, Beed was filed on 16.11.2021. There is absolutely no whisper about the fact that since 2017 till the date of affidavit the school had not started at Majalgaon. Therefore, there is absolutely no reasonable ground shown by applicants to condone the delay. Again, at the cost of repetition, we would like to state that when applicants themselves have obeyed part of order, then

for part of the same order itself to challenge, there cannot be the delay. That deserves to be condoned on any ground. No separate affidavit has been annexed along with application for condonation of delay. What has been annexed is the verification of present District Disable Empowerment Officer, Dharashiv. Therefore, the application for condonation of delay deserves to be rejected at the threshold.

4 Even if for the sake of arguments it is presumed that a reasonable ground has been made in condoning the delay and review application is required to be considered, then the review has been sought on the point that the school was not working and petitioners never joined the said school after it was shifted from Naldurg to Majalgaon. In the order passed by this Court on 19.04.2023 in the main Writ Petition a note was taken in respect of willingness of petitioners. It has been stated – “(d) In the event, there are vacancies available in any special schools, the petitioners submit that they are willing to be absorbed in any such special schools in Solapur, Latur or Osmanabad districts.” Majalgaon is in Beed district. Now, it was within the jurisdiction of applicants to offer the petitioners, in the main petition, any job if there were vacancies in those three districts. There is no document produced to show that there was vacancy in the three districts and the petitioners were offered work there.

5 Now, when every opportunity was available to applicants to bring all the relevant facts before this Court, if they were not brought, then those facts cannot be brought by way of review. The application for review is maintainable only if there is error apparent on the face of record, which presupposes that every material was placed before the Court and due to some error it was not considered by the Court. This Court cannot sit as an Appellate Court on its own order or in other words, a review application cannot be treated as appeal in disguise and for that purpose we would like to rely on the decision in **Lily Thomas vs. Union of India and others, AIR 2000 SUPREME COURT 1650**, wherein it has been observed that -

“The dictionary meaning of the word “review” is “the act of looking, offer something again with a view to correction or improvement. It cannot be denied that the review is the creation of a statute. The power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated as an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practiced. However, the Supreme Court in exercise of its powers under Art. 136 or Art. 32 of the Constitution and upon

satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment.”

No case is made out, even on merits for the review of order dated 19.04.2023. Therefore, the application/s stand rejected.

(SANJAY A. DESHMUKH, J.)

(SMT. VIBHA KANKANWADI, J.)

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