



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

901 CIVIL APPLICATION NO. 2728 OF 2025
IN RAST/23444/2024

Arun Krishnaji Bhagat

VERSUS

The State Of Maharashtra Through Its Secretary And Others

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Advocate for Applicant : Mr. Dr. Godbole R. J.

AGP for Respondent/s-State : Mr. D. R. Korade.

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CORAM : S. G. MEHARE, J.

DATE : 06.03.2025

PER COURT :-

1. Heard the learned counsel for the applicant/petitioner.
2. Issue notice to the respondents.
3. Learned AGP waives service of notice for the respondent-State.
4. At the time of hearing the delay condonation application, the grounds raised by the applicant for review were also heard briefly. The review has been sought on the ground of interpretation of the Rule 9(5) of the M.E.P.S. Rules, 1981 and the judgment in the case of Kankavali Shikshan Sanstha. The grounds for review are primarily tested with a view to decide whether to call the other side or not. After hearing the grounds

raised for recalling the order of this Court under review, the Court is of the view that the notices to all respondents are not essential. However, to adjudicate the review application by taking a lenient view the delay is condoned after hearing the learned AGP. Civil application stands allowed.

5. The Registry should register the review application.

In Review Application

6. Heard the learned counsel for applicant and learned AGP for respondent-State.

7. The petitioner has filed this review application mainly on the ground that in the absence of mandate under Rule 9(5) of the M.E.P.S. Rules, the service book is the best evidence and it should have been presumed to be a proof of the appointment. On this issue, this Court has specifically recorded findings in paragraph No.7 of the judgment under review and in paragraph No.41 of the judgment, the comments have also been made. The next ground of the applicant is that the case of *Kankavali Shikshan Sanstha and others Vs. M. R. Gavali ; (2006) 1 Mh.L.J. 713* has also not been correctly considered in perception of the issues involved.

8. The Court have gone through both grounds. Interpretation of law and application of the case law are not the grounds for review. The grounds which are raised does not fall under Order 47 of the Civil Procedure Code. No *prima facie* error found in the impugned review application. The Court is not satisfied that there are substantial ground to review the judgment and order.

9. The review application stands dismissed without notice to the contesting parties.

10. No order as to costs.

(S. G. MEHARE, J.)

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vmk/-