



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

REVIEW APPLICATION (CIVIL) 49 OF 2025

The State Of Maharashtra Through Its Principal Secretary And Others
VERSUS
Hanmant Pundlikrao Biradar And Another

Mr. B. A. Shinde, AGP for Petitioners
Mr. N. T. Tribhuwan, Advocate for Respondent No. 1

**CORAM : R. M. JOSHI, &
S. G. CHAPALGAONKAR, JJ**

DATE : 23rd April, 2025

PER COURT :-

1. Heard by consent of both sides finally.
2. This application is filed seeking review of judgment and order dated 03.05.2024 passed by this Court (CORAM : Ravindra V. Ghuge and R. M. Joshi, JJ.) in Writ Petition No. 1103/2024. Petitioner No. 1-State of Maharashtra and others have raised challenge to the impugned order on the grounds specifically mentioned in the application. In a nutshell, it is a case of the applicants that this Court has not considered the responses filed by the original respondents in proper perspective. It is further sought to be contended on their behalf that the order impugned passed by this Court is contrary to Government resolutions dated 16.06.2003 and 04.06.2012. An exception is also sought to be taken by the Applicant to the observations made by this Court in

Paragraph 9 of the judgment. When it is said that some time State Government opposed petition only for the sake of opposition. On these amongst other contentions, review is sought.

3. Heard learned AGP and learned counsel for respondents.

4. It is a contention of learned AGP that this Court has not considered reply filed by State and other respondents in proper perspective. It is his submission that the Government Resolutions dated 16.06.2003 and 04.06.2012 dis-entitles original petitioners to seek gratuity and as such, order passed by this Court deserves interference. An objection is also sought to be raised by him in respect of the reliance placed on the internal notes. Finally, it is submitted that the petitioners are not entitled to seek relief of payment of gratuity of Rs. 20 Lakhs from Maharashtra State Other Backward Class Finance and Development Corporation (for short “OBC Corporation”).

5. Learned counsel for respondents supported the impugned order.

6. The law on the point of review is fairly settled to say that only in case of any apparent error on the face of record is shown or that order has been passed in ignorance of the evidence or the case sought to be made out by the parties. Similarly, if the order is passed by this Court in ignorance of the settled

principles of law or the order has led to miscarriage of justice, review would be permissible. But not otherwise.

7. In the instant case, however, the contention of the applicants is that this Court has though considered the material placed before it but the same has not been considered in proper perspective. Thus, this is not the case of failure of this Court in considering the material on record. This ground which may be available for the party to agitate before higher Court, would not be permitted to be raised before the same Court. Similarly, perusal of the impugned order indicates that Government Resolutions dated 16.06.2003 and 04.06.2012 were duly considered while passing this said order, as such it cannot be said that they were kept out of consideration. The reply filed by the respondents was also appreciated by this Court which reflects from Paragraph 6 and 8 of the judgment. Thus, this is not the case wherein any contention of the parties or the material placed on record has been ignored while passing the impugned order. Needless to state that passing of impugned order has not led to miscarriage of justice.

8. Merely because applicants are aggrieved by the order impugned, they cannot be permitted to avail remedy of review. The Hon'ble Supreme Court in case of **State of West Bengal and Ors. v. Kamal Sengupta and Anr.,**

MANU/SC/3011/2008 : (2008) 8 SCC 612, has considered “ what is error apparent on the face of record” and observed that

“ the term “mistake or error apparent” by its very connotation signifies an error which is evidence per se from the record of the case and does not require detailed examination, scrutiny and elucidation either of the facts or the legal position. If an error is not self-evident and detection thereof requires long debate and process of reasoning, it cannot be treated as an error apparent on the face of record for the purpose of Order 47 Rule 1 Code of Civil Procedure or Section 22(3)(f) of the Act. To put it differently an order or decision or judgment cannot be corrected merely because it is erroneous in law or on the ground that a different view could have been taken by the court/tribunal on a point of fact or law. In any case, while exercising the power of review, the court/tribunal concerned cannot sit in appeal over its judgment/decision.”

9. Even if it is case of applicant that the order impugned is erroneous, while exercising powers of review, it is not open for this Court to sit in appeal over its own judgment. Thus for want of error apparent on record and as passing of the order impugned has not lead to failure of justice, we find no merit in the application.

10. Review Application, therefore, stands dismissed.

(S. G. CHAPALGAONKAR, J.)

(R. M. JOSHI, J.)

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