



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION (ST) NO. 33363 OF 2024

IN

REVIEW PETITION (ST) NO. 33147 OF 2024

IN

WRIT PETITION NO. 12587 OF 2024(D)

(Kawale Shailesh Shivaji

Vs.

S.S.P. Mandals Manikchand Dhariwal Institute of Management and
Rural Technology, Shirur, Dist. Pune & Ors.)

WITH

INTERIM APPLICATION NO. 1742 OF 2025

IN

REVIEW PETITION (ST) NO. 33150 OF 2024

IN

WRIT PETITION NO. 12589 OF 2024(D)

(Deshmukh Mangesh Narayan

Vs.

S.S.P. Mandals Manikchand Dhariwal Institute of Management and
Rural Technology, Shirur, Dist. Pune & Ors.)

WITH

INTERIM APPLICATION NO. 1735 OF 2025

IN

REVIEW PETITION (ST) NO. 33151 OF 2024

IN

WRIT PETITION NO. 12588 OF 2024(D)

(Pankaj Ramlal Malviya

Vs.

S.S.P. Mandals Manikchand Dhariwal Institute of Management and
Rural Technology, Shirur, Dist. Pune & Ors.)

WITH

INTERIM APPLICATION NO. 1730 OF 2025
IN
REVIEW PETITION (ST) NO. 33153 OF 2024
IN
WRIT PETITION NO. 12586 OF 2024(D)

(Rakesh Singh

Vs.

S.S.P. Mandals Manikchand Dhariwal Institute of Management and
Rural Technology, Shirur, Dist. Pune & Ors.)

Office Notes, Office Memoranda of Coram, Appearances, Court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. R.P. Karhadkar, Advocate for the Applicant(s)/Petitioner(s).
Mr. P.G. Sawant, Ms. Vaishali Nimbalkar, Ms. Savita Prabhune &
Ms. Vrishali Raje, AGPs for the Respondent/State in respective matters.

CORAM: AVINASH G. GHAROTE, J.

DATED : 4th APRIL, 2025

INTERIM APPLICATION (ST) NO. 33363 OF 2024

INTERIM APPLICATION NO. 1742 OF 2025

INTERIM APPLICATION NO. 1735 OF 2025

INTERIM APPLICATION NO. 1730 OF 2025

1. Heard Mr. Karhadkar, learned Counsel for the Review Applicant(s)/Petitioner(s).

2. On the point of delay, considering the reasons given and accepting the same, the delay is condoned. The Applications are **allowed**. Office to register the Review Petitions.

REVIEW PETITION (ST) NO. 33147 OF 2024

REVIEW PETITION (ST) NO. 33150 OF 2024

REVIEW PETITION (ST) NO. 33151 OF 2024

REVIEW PETITION (ST) NO. 33153 OF 2024

1. Heard Mr. Karhadkar, learned Counsel for the Review Petitioner(s), who are the original Respondents in the Writ Petitions.

2. At the outset, it is necessary to note, that the learned Counsel was not appearing in the original Writ Petitions and has appeared for the first time in these Review Petitions. It is his contention, that the Review Petitioners/Original Respondents were not gainfully employed, on account of which, they were entitled for backwages, which have been incorrectly denied to them which is the ground for review. However, what I find is that the question of employment was considered by me while deciding the Writ Petitions, which is indicated from a perusal of para 7 of the impugned decision dated 23.07.2024, which reads as under:

“7. A perusal of the Memo of Appeal in all these four petitions before the University and College Tribunal would indicate that the occupation of the respondent No.1 is shown to be service, considering which, it was necessary for them, to have disclosed the nature of the employment, the emoluments, which they were deriving from such employment, which were factors necessary to be taken into consideration by the learned Tribunal for determining the entitlement of the respondent No.1 for back-wages. Non disclosure therefore in my considered opinion of this position, which was within the knowledge clearly makes them

disentitled to the reliefs claimed. A perusal of the impugned Judgment in appeal would also indicate that but for what has been stated in paragraph-44 (Page-101) there is no consideration of the claim for back-wages and it is clearly apparent that it has been granted merely for the sake of asking, which could not have been done, considering the above position.”

3. The decision sought to be reviewed, also records the statement of Mr. Sumit Sonare, learned Counsel for the contesting Respondents/applicants regarding the status of the present applicants as indicated in the memo of the Writ Petitions, which is reiterated in the verification clause, which records that they were in service. The statement is as under:

“8. Mr. Sumit Sonare, learned counsel for the contesting respondents, agrees to the position that the appeals filed by the respondents before the University and College Tribunal, indicates in the cause title that they were employed, and do not disclose the nature of the employment or the emoluments which were being received by them. He also admits that, no materials has been placed on record before the learned University and College Tribunal, to indicate the entitlement of back-wages, on the ground that they were not otherwise employed.”

4. Though ***Pradeep Rajkumar Jain Vs. Manganese Ore (India) Limited and Others, 2022 (3) SCC 683 para 10***, has been relied, to contend that the denial of backwages, should be an exception, however, in view of the position as indicated above I do not feel any ground for review being made out.

5. The position regarding review has been summed up by the Hon'ble Apex Court in ***Haridas Das Vs. Usha Rani Banik (Smt) and others, (2006) 4 SCC 78***, in the following words:

“13. In order to appreciate the scope of a review, Section 114 CPC has to be read, but this section does not even adumbrate the ambit of interference expected of the court since it merely states that it “may make such order thereon as it thinks fit”. The parameters are prescribed in Order 47 CPC and for the purposes of this lis, permit the defendant to press for a rehearing “on account of some mistake or error apparent on the face of the records or for any other sufficient reason”. The former part of the rule deals with a situation attributable to the applicant, and the latter to a jural action which is manifestly incorrect or on which two conclusions are not possible. Neither of them postulate a rehearing of the dispute because a party had not highlighted all the aspects of the case or could perhaps have argued them more forcefully and/ or cited binding precedents to the court and thereby enjoyed a favourable verdict. This is amply evident from the Explanation to Rule 1 of Order 47 which states that the fact that the decision on a question of law on which the judgment of the court is based has been reversed or modified by the subsequent decision of a superior court in any other case, shall not be a ground for the review of such judgment. Where the order in question is appealable the aggrieved party has adequate and efficacious remedy and the court should exercise the power to review its order with the greatest circumspection. This Court in Thungabhadra Industries Ltd. v. Govt. of A.P. [(1964) 5 SCR 174 : AIR 1964 SC 1372] held as follows: (SCR p. 186) “[T]here is a distinction which is real, though it might not always be capable of exposition, between a mere erroneous decision and a decision which could be characterised as vitiated by ‘error apparent’. A review is by no means an appeal in disguise whereby an erroneous decision is reheard and corrected, but lies only for patent error. ... where without any elaborate argument one could point to the error and say here is a substantial point of

law which stares one in the face, and there could reasonably be no two opinions entertained about it, a clear case of error apparent on the face of the record would be made out.”

15. A perusal of Order 47 Rule 1 shows that review of a judgment or an order could be sought: (a) from the discovery of new and important matters or evidence which after the exercise of due diligence was not within the knowledge of the applicant; (b) such important matter or evidence could not be produced by the applicant at the time when the decree was passed or order made; and (c) on account of some mistake or error apparent on the face of the record or any other sufficient reason.”

6. In view of the position as indicated above, I do not see any ground for review being made out.

7. The Review Petitions, are therefore, **rejected**. No costs.

(AVINASH G. GHAROTE, J.)