



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

MISC.CIVIL APPLICATION NO.106/2025

IN

WRIT PETITION NO.5351/2024

MRS.GITATAI SUNIL TELGOTE VS. YUVAK BHARATI SHIKSHAN SANSTHA,
PULGAON, THR. VICE PRESIDENT, SAU. NEHA NITIN RAVEKAR AND ANOTHER

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.R.Bhattacharya, Advocate h/f Mr. N.S.Warulkar, Advocate
for applicant.
Mr. N.M.Kolhe, AGP for respondent no.2.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 31st July, 2025.

1. The Applicant is seeking review of the order rendered by this Court in Writ Petition No.5351/2024 decided on 19.12.2024.
2. The learned Counsel for the applicant in support of the review application submits that the applicant is entitled to 100% back wages and not 75% back-wages in view of the settled position of law. The applicant was working as a headmistress with the respondent no.1-management till the applicant was illegally terminated which is set aside by the School Tribunal ordering reinstatement with an order of 75% back wages till reinstatement. It is contended that once the termination of the applicant is held to be illegal, the applicant is entitled to 100% back wages as has been held in catena of cases including in the matter of *Deepali Gundu Surwase Versus Kranti Junior Adhyapal Mahavidyalaya and others* reported in (2013) 10 SCC 324. So as to substantiate the above contention the Court's attention is invited to the

judgment of the School Tribunal, wherein it has been stated that the applicant was not in gainful employment.

3. The learned Counsel for the respondent no. 1 and learned AGP for the respondent no. 2 prayed for dismissal of the review application. It is contended on behalf of the respondents that the claim of the applicant is contrary to the principle of res-judicata as the findings of this Court in Writ Petition No. 5703/2022 has attained finality as the same was upheld by the Apex Court in SLP (Civil) Diary No. 45087/2023. The Court's attention was invited to paragraph no. 34 in Writ Petition No. 5703/2022 wherein categorically it has been held as under:

“34. In that view of the matter, I do not find any error committed by the learned Tribunal in setting aside the order of dismissal dated 11/09/2017 with back wages @ 75% from the date of dismissal till her reinstatement with liberty to initiate de novo enquiry.”

4. So as to substantiate the above contentions reliance is placed on the judgments in the matters of ***Daryao and Ors. Versus The State of U.P. and ors.*** reported in **AIR 1961 SC 1457** and ***Commissioner of Income Tax Bombay Versus T.P. Kumaran*** reported in **(1996) 10 SCC 561** and the order of this Court in ***Leeni w/o Chandrakant Sardar, Nava Nakasha -vs Chandrakant s/o Haridas Sardar*** in **Misc. Civil Application No. 607/2022**.

5. Having considered the contentions put forth by the parties, perused the order under review along with the judgment passed by the School Tribunal and other material placed on record.

6. In view of doctrine of finality, once a court has made a final decision, it is not possible to bring new appeals, initiate new proceedings or re-litigate the facts that have already been settled and in any case recourse to review cannot be permitted to as an appeal in disguise.

7. It is a settled position of law that the scope of review jurisdiction is limited only to correcting errors of law or procedure that have led to manifest injustice as has been restated in *State of Telangana and another Versus Mohd. Abdul Qasim (died) per legal representatives* reported in (2024) 6 SCC 461.

8. In that view of the matter, no error apparent in the order under review dated 19.12.2024 is noted. The review application *sans* merit and is dismissed. There shall be no order as to costs.

(SACHIN S. DESHMUKH, J.)