



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

CIVIL APPLICATION (CAO) NO.288 OF 2025

IN

MCA ST. NO.567 OF 2025

Balaji Gramin Vikas Shikshan Sanstha, thr. Its President and another
.VS.

Subhash Krushnarao Pawar and ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions Court's or Judge's orders.
and Registrar's Orders.

Mr. P.A. Kadu, Advocate for the petitioners.

Mr. S.M. Vaishnav, Advocate for respondent No.1.

Ms Prachi Joshi, AGP for respondent No.2/State.

CORAM : SACHIN S. DESHMUKH, J.

DATE : 12.08.2025

Heard.

2. For the reasons stated in the application, the delay in filing the review application condoned. The civil application is allowed and disposed of accordingly.

MCA ST. NO.567 OF 2025

1. The applicants seek review of the order dismissing the Writ Petition while endorsing the order passed by the School Tribunal.

2. Mr. Kadu, learned counsel for the petitioner-management would submit that the contentions raised by the petitioner management in the aforesaid petition are not dealt with in the order under review and there is an error apparent on the face of record. This Court ought to have taken into account that the

respondent no.1 deliberately avoided the inquiry proceeding, therefore, cannot be permitted to challenge the consequential action taken by the petitioner-management viz. ex-parte inquiry. As per the law laid down by the High Courts and the Supreme Court of India, an employee who was given a reasonable and adequate opportunity to participate in the enquiry but consistently remained absent is not entitled to raise a grievance that inquiry was unfair and cannot challenge the same on merits.

3. To substantiate the same, a reliance is placed on the judgment of the Apex Court in the matter of ***State of Uttaranchal and another Versus Sunil Kumar Singh Negi reported in [(2008) 11 SCC 205]***, wherein it is held that a cryptic order passed by the High Court which sans reasons cannot be sustained as reason is the heartbeat of every conclusion. Therefore, it was prayed to allow the review application.

4. Mr. Vaishnav, learned counsel appearing for respondent no.1 and Ms. Joshi, learned AGP appearing for respondent no.2 would support the order delivered in Writ Petition No.1204/2024 and prayed for dismissal of the review application. It is contented on behalf of the respondents that the petitioner-management is urging for a re-hearing and has filed this review application, which is an appeal in disguise, same is not permitted in the review jurisdiction. So as to substantiate the same, a reliance is placed on the recent judgment of the Apex Court in the matter of ***State of Telangana and another Versus Mohd. Abdul Qasim (died) per legal representatives***

reported in [(2024) 6 SCC 461] wherein it is held that the scope of review is limited and it has to be exercised with circumspection and on rare occasions. The error should be grave enough to be identified on a mere cursory look, an omission so glaring that it requires interference in the form of a review and being a creature of the statute, there is absolutely no room for a fresh hearing.

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

6. It is well settled that a review petition has a limited scope and a party canvassing a review petition, cannot canvas the original proceeding (*Lily Thomas v. Union of India, AIR 2000 SC 1650*).

7. The arguments advanced by Mr. Kadu in the present review application have already been taken into account by this Court, which is evident from the order under review endorsing the judgment delivered by the School Tribunal. Therefore, there is no error apparent on the face of the record to invoke review jurisdiction.

8. In the light of principles laid down in the judgment in the case of **Mohd. Abdul Qasim (supra)**, no case is made out for consideration. The Misc. Civil Application is dismissed. However there shall be no order as to costs.

(SACHIN S. DESHMUKH, J.)