



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

MISC. CIVIL APPLICATION (STAMP) NO. 24442 OF 2023 (FOR REVIEW) in
W. P. NO. 3829/13(D) AND
CIVIL APPLICATION (O) NO. 127 OF 2024

Mahatma Phule Shikshan Prasarak Mandal,
Patur, Dist. Akola through its Secretary and another. .. APPLICANTS
vs.

Shri Shivaji Education Society, Amravati,
through its Secretary and others. .. NON-APPLICANTS

Mr. A. P. Raghute, Advocate for applicants.
Mr. P. B. Patil, Advocate for non-applicant nos. 1 and 2.

CORAM :- NITIN W. SAMBRE AND MRS. VRUSHALI V. JOSHI, JJ.

DATE :- 24th MARCH, 2025

P. C.

Heard Mr. Raghute, learned counsel appearing for the applicants-original respondent nos. 4 and 5 in Writ Petition No.3829 of 2013. According to him, the judgment pronounced on 20.09.2023 in Writ Petition No. 3829 of 2013 with connected writ petitions, warrants re-consideration in view of the fact that the pending criminal proceedings against the office bearers of the non-applicant no.1-Society, i.e. petitioner no.1 in Writ Petition No.3829 of 2013, were not considered while declaring the said non-applicant entitled for grant-in-aid.

So as to substantiate the said contention Mr. Raghute has invited our attention to the ground no.1 in the application for review.

If we consider the said contention in the light of the observations and findings recorded in the judgment under review, which was pronounced on 20.09.2023, what can be considered is, the Additional Government Pleader appearing for the respondent-State in the aforesaid writ petition has, in fact, canvassed the ground of pendency of criminal proceedings against the office bearers of the non-applicant no.1-Society, i.e. the petitioner in Writ Petition No.3829 of 2013, and as such, it is not that the said point/issue of pendency of the criminal proceedings against the office bearers was not considered by the Court in the judgment dated 20.09.2023.

2. It is the contention of Mr. Raghute that the details which are narrated in ground no.1 of the review application were never brought to the notice of the Court while dealing with the writ petition and that it is subsequently discovered, which fact has prompted the applicants to move the present application for review of the judgment dated 20.09.2023.

3. At the outset, we are sensitive of the authoritative pronouncement of the Apex Court in the matter of *Kamlesh Verma vs. Mayawati and others* reported in **[(2013) 8 SCC 320]** wherein parameters which shall be taken into account for the purpose of exercising the review jurisdiction are considered. Once, this Court while delivering the judgment under review, pronounced on 20.09.2023, was sensitive to the fact of registration of offence against the office bearers of the non-applicant no.1-Society (petitioner no.1 in Writ Petition No. 3829 of 2013), the said issue has already been dealt with by the Court. As such, we see no reason to re-appreciate the evidence on the said issue for the purpose of exercising the review jurisdiction.

4. In such an eventuality, in our opinion, the remedy lies elsewhere and not of review before this Court. No case to exercise the review jurisdiction is made out. The misc. civil application stands rejected.

Pending civil application stands disposed of accordingly.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W. SAMBRE, J.)

Andurkar.