



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

**APPELLATE SIDE CIVIL JURISDICTION
MISC. CIVIL APPLICATION NO. 1009 OF 2024
IN
WRIT PETITION NO.5613 OF 2024
WITH
CAO NO.46 OF 2025
IN
MISC. CIVIL APPLICATION NO. 1009 OF 2024**

Saraswati Garamin Shikshan Sanstha, .. Applicants
Bodkha, Wardha Thr. Its Sec and Anr.

Versus

The State of Maharashtra thr. Principal .. Respondents
Secretary., Dept. of School Education
and Sports, Mumbai and Ors

Mr.A.C. Dharmadhikari, for the Applicant.
Mr. J.Y. Ghurde, AGP for the State.

**CORAM: BHARATI DANGRE &
ABHAY J. MANTRI, JJ.
DATED : 28th FEBRUARY, 2025
(IN CHAMBER)**

P.C:-

1. The present Miscellaneous Application is filed seeking review of the order dated 8/10/2024, passed in WP No.5613 of 2024.

We have heard learned counsel Mr. Dharmadhikari for the applicant and the learned AGP Mr. Ghurde for the State.

2. On perusal of the order dated 8/10/2024, it is evidently clear to us that the apprehensions raised by Mr. Dharmadhikari about

implementation of clause-B of the communication dated 6/09/2024, issued by the School Education and Sports Department, in respect of implementation of the round-2 of the scheme received a clarification at the end of the Deputy Director of Education, who had filed an affidavit on behalf of the Commissioner of Education, Maharashtra State, Pune. We merely reproduced the statement made in paragraph no.8 of the said affidavit and in the wake of the above, clarifying that the State Government has made its stand clear through the affidavit and with an expectation that the authority shall act accordingly, the Writ Petition was disposed off.

3. The Miscellaneous Application filed by the applicant, is based upon a pleading that the Court has fallen in error by not taking into consideration the settled law that the Government Resolution cannot be altered or modified unless there is a power to do so. Pleading that the error has crept in the judgment in not considering the aspect that the State Government has declared the Commissioner of Education as Controller and Account Officer and it has conferred power on the Commissioner of Education for implementation of the campaign, the Court by not taking into consideration this aspect must review its own order.

4. We do not find any merit in the submission advanced by Mr. Dharmadhikari, as according to us, we have disposed off the petition only by recording the statement made on behalf of the respondent on affidavit, with the hope and trust that the said statement shall be adhered to. Needless to state that we have not determined the merits of the matter, though a challenge was raised since the State Government made the particular statement in the

affidavit.

If the applicant has any grievance in respect of the statement not being correct or that it is not being implemented by the State Government or that the Government is acting in ignorance of the statement, the applicant is at liberty to take appropriate steps as may be advised.

In the wake of the above, since we do not find any error apparent on the face of record, which would justify exercise of power of review by us the application is dismissed.

Needless to state that the applicant is at liberty to take all such necessary steps, if it is being aggrieved by its non consideration independently.

(ABHAY J. MANTRI, J)

(BHARATI DANGRE, J)