IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

**CIVIL APPLICATION NO. 2182 OF 2025 IN**
**REVIEW APPLICATION (CIVIL) (ST.) NO. 23232 OF 2024 IN**
**WRIT PETITION NO. 1675 OF 2014**

WAGHUR SHIKSHAN PRASARAK MANDAL SAKEGAON
THROUGH ITS CHAIRMAN
VERSUS
INDIRA GANDHI MADHYAMIK VIDYALAYA, SAKEGAON AND OTHERS

...
Advocate for applicant : Mr. S.V. Dixit
Addl.GP for the respondent – State : Mr. P.S. Patil
Advocate for petitioner in WP : Mr. R.I. Wakade
Advocate for respondent no. 1 in WP : Ms. Nayana Patil
h/f. Ms. Surekha Mahajan
...

**CORAM : KISHORE C. SANT AND**
**JITENDRA JAIN, JJ.**

**RESERVED ON : 29 SEPTEMBER 2026**
**PRONOUNCED ON : 06 OCTOBER 2026**

**PER COURT :**

This Civil Application is filed by the applicant who was respondent no. 1 in Writ Petition no. 1675 of 2014. The Civil Application is filed seeking condonation of delay of 3111 days in filing the Review Petition seeking review of the common judgment and order dated 08.04.2015 by which Writ Petitions no. 1647 of 2014 and 1675 of 2014 were disposed of.

2. The applicant submits that the reason for the delay is set out in paragraphs no. 2 and 3 of the application which reads as under :-

> "***2. Applicant submits that, as applicant discovered that affidavit in reply filed on behalf of respondent no. 2***

***was incorrect and Hon'ble Court was misled by such affidavit. Apart from that, it was revealed that, appointment of respondents was not on probation but was on temporary basis and without competent authority and without complying with the procedure of appointment. Therefore, present review application is filed. As fraud has been played on this Hon'ble Court by suppressing vital information, applicant is praying for condonation of delay in filing present review application.***

***3. Applicant submits that, applicant has good case on merit and is having every hope to succeed in the Review Application and, therefore, is praying for condonation of dleay caused in filing Review Application. Applicant further submits that, while approaching to this Hon'ble High Court for filing Review Petition approx, delay of 3111 days has been caused. The delay caused for filing the Review Petition is unintentional and is not deliberate. The delay for filing the Review Petition is explained in detail, therefore, the same is required to be condoned in the interest of justice and fair play, otherwise applicant will suffer irreparable loss. No prejudice would be caused to the respondents if the delay is condoned by this Hon'ble Court.***"

3. We have heard learned counsel for the applicant in support of the application and learned counsel for the respondents vehemently opposing the same.

4. In our view, the reasons set out in paragraphs no. 2 and 3 which is reproduced above, does not explain the inordinate delay of 3111 days.

5. In paragraph no. 2, it is stated that the applicant discovered that affidavit in reply filed on behalf of respondent no. 2 – Education Officer in Writ Petition No. 1675 of 2014 was incorrect. In

our view, no details as to when the applicant discovered such incorrectness is stated. It is a general and vague statement.

6. Furthermore, in paragraph no. 2, it is stated that the appointment of the respondents was not on probation but was on temporary basis and made without complying with the procedure of appointment. This reason does not justify the delay but is a submission on the merits of the case. Even for this reason, it is not stated as to when the applicant became aware of non-compliance of the procedure of appointment.

7. The third reason given in paragraph no. 2 is that fraud has been played by suppressing vital information. There is no foundational facts pleaded as to what is the fraud, what is the vital information or when such fraud was noticed by the applicant. Therefore, in our view, the reasons stated in paragraph no. 2 would not fall within the phrase ‘sufficient cause’, so as to consider the plea of condonation by this Court.

8. In paragraph no. 3, the applicant has pleaded that it has a good case on merits. In our view, if that be so, then it was all the more reason for the applicant to have approached the Court within limitation period and not after the delay of 3111 days. The explanation given in paragraph no. 3 that the delay is unintentional and not deliberate is

also a general statement without any justification for delay of 3111 days. In paragraph no. 3, it is further stated that the delay is explained in detail. However, we do not find any such details in paragraphs no. 2 and 3 of the application except for a bald statement.

9. In our view, the applicant has not made out any cause to show that it was prevented by “sufficient cause” from filing the review after a delay of 3111 days.

10. Though, the delay of each day is not to be explained but there has to be an explanation to justify such a delay which as stated above and reproduced in paragraphs no. 2 and 3, do not bring out any “sufficient cause”.

11. The Hon’ble Supreme Court has recently explained the phrase ‘sufficient cause’ in the case of ***Shivamma (dead) by LRs. V. Karnataka Housing Board and others***[1], ratio of which squarely applies to the facts of the present application for not showing ‘sufficient cause”.

12. In our view, the applicant has not made out any case for this Court to exercise its discretion to condone the delay and, therefore, the present Civil Application is dismissed.

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13. We may also note that SLP against order of this Court was dismissed in 2015 and practice of filing the review petition after such dismissal and that too after 3111 days is deprecable since such acts do not intend to bring an end to the litigation.

14. Consequently, the Review Application (Stamp) No. 23232 of 2024 also stands dismissed.

**[ JITENDRA JAIN ]**
**JUDGE**

**[ KISHORE C. SANT ]**
**JUDGE**

arp/