



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

908 REVIEW APPLICATION (CIVIL) NO. 3 OF 2026
IN WP/10069/2021

Smt. Vaishali w/o Dhanesh Bhale,
Age : 39 Years, Occu : At present Nil,
R/o. : Shri Krupa Niwas Plot No.74,
Near Rui Hanuman mandir,
Samata Nagar, Sillod, Tq. Sillod,
Dist : Chhatrapati Sambhajinagar

...Applicant

VERSUS

1. The State Of Maharashtra,
Through its Principal Secretary
Rural Development Department
Mantralaya, Mumbai-32.
2. The Chief Executive Officer,
Zilla Parishad, Aurangabad.
Dist. Aurangabad.
3. The Education Officer (Primary),
Zilla Parishad, Aurangabad.
Tq. & Dist. Aurangabad

...Respondents

Mr. Vitthal G. Salgare, Advocate for Applicant
Mr. S. R. Wakle, AGP for Respondent No.1/State
Mr. S. S. Dixit h/f. Mr. Pratik P. Kothari, Advocate for Respondent
Nos.2 & 3.

CORAM : N. B. SURYAWANSHI AND
ABASAHEB D. SHINDE, JJ.

RESERVED ON : APRIL 09, 2026

PRONOUNCED ON : MAY 06, 2026

JUDGMENT (Per Abasaheb D. Shinde J.): -

1. By this application the original petitioner seeks review of the order dated 03.11.2025 passed by this Court in Writ Petition No.10069 of 2021 by which the Writ Petition filed by the petitioner seeking appointment on compassionate ground after almost a period of seven (7) years has been dismissed on the ground of delay and laches. The relevant observations of this Court while dismissing the Writ Petition reads thus :

“4 We have considered the submissions advanced. Compassionate appointment is not as a matter of right. It is meant for providing an immediate financial succor to the members of the bereaved family. True, the mother-in-law of the petitioner died in October 2012. She was Head Mistress of the school run by the respondent - Zilla Parishad. Within couple of months of her demise, her son (husband of the petitioner) made an application for compassionate appointment. The application was turned down on the ground of his brother to have been gainfully employed. It is a question of fact as to whether the brother-in-law of the petitioner was really member of the family of the deceased. Be that as it may.

5. The husband of the petitioner died in May 2020. The fact is that, his application for compassionate appointment was turned down way back in 2013. Instead of approaching the Courts of law to ventilate his grievance against rejection of his application, he claimed to have continued to make representations to the respondent Zilla Parishad and spent therein a period of little over seven years. In the meanwhile, he too passed away. According to the petitioner, her husband (applicant) was suffering from schizophrenia and, therefore, could not approach the Courts of law. The fact remains that after rejection of the application of the petitioner's husband, a period of little over seven years was spent and thereafter this petition was filled in the year 2021.

6. As stated hereinabove, the purpose of providing compassionate appointment has been lost by the action of the - petitioner and her husband as well. Delay of little over seven years in approaching this Court, in our view, disentitles the petitioner to grant of such a relief. Moreover, the petitioner is a daughter-in-law of the deceased employee. Her husband (applicant) was very much there. When did he became ineligible for securing compassionate appointment could not be ascertained although our attention has been adverted to some

of the pleadings to indicate that it is only in 2018 he developed schizophrenia. The material in that support is reliance on medical certificate in that regard. The learned Advocate for the petitioner meant to say that, even before 2018, the deceased husband of the petitioner might have been physically challenged to secure employment on compassionate ground. If that is so, the same would also run counter to the claim of the petitioner since the cause of action for asking for such employment could be said to have been accrued even before 2018.

7. In any case, the long delay of little over seven years in approaching this Court to seek directions to give the petitioner appointment on compassionate ground disentitles her to get such relief. In our view, the petition is, therefore, liable to be dismissed. The same, therefore, stands dismissed."

2. We have heard learned Counsel for the Applicant. We have also perused the grounds of review. We find that the submissions advanced by learned Counsel for the applicant are more or less a repetition of the submissions which have been extensively heard and considered by this Court while dismissing the Writ Petition. The documents which are sought to be relied upon in this Review Application so as to substantiate that the husband of the applicant was suffering from the ailment of schizophrenia at the relevant time, were duly considered by this Court in Paragraph No.6 of the order under review.

3. The scope of review has been underscored by the Hon'ble Apex Court in the case of ***Arun Dev Upadhyaya Vs. Integrated Sales Service Ltd. And Anr.; (2023) 8 SCC 11*** and more particularly from paragraphs 29 to 35, which read thus :-

"29. A three-Judge Bench of this Court comprising of Hon'ble Shri S.R. Das, C.J., M. Hidayatullah and Shri K.C. Das Gupta, JJ. in Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10 : AIR

1960 SC 137] , discussed the scope of the phrase “error apparent on the face of record”. The challenge before this Court in the said case was the judgment [Mallikarjun Bhavani Tirumale v. Satyanarayan Laxminarayan Hegde, 1952 SCC OnLine Bom 82] of the High Court on the ground whether it suffers from an error apparent on the face of the record. The High Court had issued a writ of certiorari and had quashed order of the Tribunal and restored that of the Mamlatdar. In para 8 of the Report, the issue which was to be considered is reflected. The same is reproduced hereunder : (Satyanarayan Laxminarayan Hegde case [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10 : AIR 1960 SC 137] , AIR p. 139, para 8)

“8. The main question that arises for our consideration in this appeal by special leave granted by this Court is whether there is any error apparent on the face of the record so as to enable the superior court to call for the records and quash the order by a writ of certiorari or whether the error, if any, was ‘a mere error not so apparent on the face of the record’, which can only be corrected by an appeal if an appeal lies at all.”

30. After discussing the relevant material on record, the conclusion is stated in para 17 of the report. The view was that where an error which has to be established by a long-drawn process of reasoning on points where there may conceivably be two opinions, can hardly be said to be an error apparent on the face of the record. The view that long-drawn process of arguments to canvass a point attacking the order in a review jurisdiction, cannot be said to be an error apparent on the face of record. Relevant extract from para 17 of the Report is reproduced hereunder : (Satyanarayan Laxminarayan Hegde case [Satyanarayan Laxminarayan Hegde v. Millikarjun Bhavanappa Tirumale, 1959 SCC OnLine SC 10 : AIR 1960 SC 137] , AIR pp. 141-42)

“17. ... Is the conclusion wrong and if so, is such error apparent on the face of the record? If it is clear that the error if any is not apparent on the face of the record, it is not necessary for us to decide whether the conclusion of the Bombay High Court on the question of notice is correct or not. An error which has to be established by a long drawn process of reasoning on points where there may conceivably be two opinions can hardly be said to be an error apparent on the face of the record. As the above discussion of the rival contentions show the alleged error in the present case is far from self-evident and if it can be established, it has to be established, by lengthy and complicated arguments. We do not think such an error can be cured by a writ of certiorari

according to the rule governing the powers of the superior court to issue such a writ. In our opinion the High Court was wrong in thinking that the alleged error in the judgment of the Bombay Revenue Tribunal viz. that an order for possession should not be made unless a previous notice had been given was an error apparent on the face of the record so as to be capable of being corrected by a writ of certiorari.”

31. Another case which may be briefly dealt with is *Parsion Devi v. Sumitri Devi* [*Parsion Devi v. Sumitri Devi*, (1997) 8 SCC 715] , where, this Court ruled that under Order 47 Rule 1CPC, a judgment may be open to review *inter alia* if there is a mistake or an error apparent on the face of the record. An error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power of review. It also observed that a review petition cannot be allowed to be treated as an appeal in disguise.

32. A series of decisions may also be referred to wherein, it has been held that power to review may not be exercised on the ground that decision was erroneous on merits as the same would be the domain of the court of appeal. Power of review should not be confused with appellate powers as the appellate power can correct all manners of errors committed by the subordinate courts. The following judgments may be referred:

(1) *Shivdev Singh v. State of Punjab* [*Shivdev Singh v. State of Punjab*, 1961 SCC OnLine SC 29 : AIR 1963 SC 1909]

(2) *Aribam Tuleshwar Sharma v. Aribam Pishak Sharma* [*Aribam Tuleshwar Sharma v. Aribam Pishak Sharma*, (1979) 4 SCC 389 : AIR 1979 SC 1047]

(3) *Meera Bhanja v. Nirmala Kumari Choudhury* [*Meera Bhanja v. Nirmala Kumari Choudhury*, (1995) 1 SCC 170]

(4) *Uma Nath Pandey v. State of U.P* [*Uma Nath Pandey v. State of U.P.*, (2009) 12 SCC 40 : (2010) 1 SCC (Cri) 501]

33. Recently, this Court in a judgment dated 24-2-2023 passed in *S. Murali Sundaram v. Jothibai Kannan* [*S. Murali Sundaram v. Jothibai Kannan*, (2023) 13 SCC 515 : 2023 SCC OnLine SC 185] , observed that even though a judgment sought to be reviewed is erroneous, the same cannot be a ground to review in exercise of powers under Order 47 Rule 1CPC. Further, in *Perry Kansagra v. Smriti Madan Kansagra* [*Perry Kansagra v. Smriti Madan Kansagra*, (2019) 20 SCC 753] , this Court observed that

while exercising the review jurisdiction in an application under Order 47 Rule 1 read with Section 114CPC, the review court does not sit in appeal over its own order.

34 In another case between Shanti Conductors (P) Ltd. v. Assam SEB [Shanti Conductors (P) Ltd. v. Assam SEB, (2020) 2 SCC 677 : (2020) 2 SCC (Civ) 788] , this Court observed that scope of review under Order 47 Rule 1 read with Section 114CPC is limited and under the guise of review, the petitioner cannot be permitted to reagitate and reargue questions which have already been addressed and decided. It was further observed that an error which is not self-evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of record.

35. From the above, it is evident that a power to review cannot be exercised as an appellate power and has to be strictly confined to the scope and ambit of Order 47 Rule 1CPC. An error on the face of record must be such an error which, mere looking at the record should strike and it should not require any long-drawn process of reasoning on the points where there may conceivably be two opinions.

4. Applying the aforesaid ratio to the case in hand, we are of the view that there is no error apparent on the face of record. It is settled position of law that, while dealing with the Review Application, the Court does not sit in appeal over its own order, nor it can be allowed to be converted into an appeal in disguise. We, therefore, are of the considered view that no case of review is made out by the applicant. The Review Application being devoid of merit is rejected.

(ABASAHEB D. SHINDE, J.)

(N. B. SURYAWANSHI, J.)