

Amberkar

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

REVIEW PETITION NO. 61 OF 2026

IN

WRIT PETITION NO. 2296 OF 2022

Janata Shikshan Sanstha & Anr.

Petitioners

•• (Org. Respondent Nos. 1 & 2)

Versus

Naikare Kavita Raghunath & Anr.

.. Respondents

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- Mr. Dilip Bodake a/w Ms. Shraddha Pawar & Mr. Shreeniwas Magar, Advocates for Petitioners
- Mr. Sugandh Deshmukh a/w Mr. Vaibhav Thorave, Advocates for Respondent No. 1
- Ms. V.S. Nimbalkar, AGP for Respondent No. 2 - State

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CORAM : MILIND N. JADHAV, J.

DATE : JUNE 8, 2026

P. C.:

1. Heard Mr. Bodake, learned Advocate for Petitioners; Mr. Deshmukh, learned Advocate for Respondent No. 1 and Ms. Nimbalkar, learned AGP for Respondent No. 2 - State.

2. Present Review Petition is filed for seeking review / recall / modification and setting aside of the judgment and order dated 05.03.2026 passed by this Court while disposing of Writ Petition No. 2296 of 2022 finally. Original Writ Petition was filed by Respondent No.1 - Teacher to assail the order dated 14.11.2019 passed by the School Tribunal, Pune upholding her termination by the Petitioners. Original Petition came to be decided by order dated 05.03.2026

whereby the order passed by the School Tribunal was quashed and set aside with directions to the Petitioners to reinstate the Respondent No.1 - Teacher. Being aggrieved thereby, present Review Petition is filed on the following five grounds which are argued vehemently by Mr. Bodake:-

2.1. Mr. Bodake would submit that before the Petition was heard and reserved for passing of order on 20.02.2026, it was heard only partially by this Court on 06.02.2026 on which date this Court passed a detailed order, *inter alia*, regarding readiness and willingness of Respondent No.1 - Teacher who was present in Court for being reinstated in the Petitioners' Secondary School. He would therefore submit that after recording such readiness and willingness of the Teacher, this Court adjourned the matter to 13.02.2026 in view of the request made by learned AGP to allow her also to take instructions in view of objections raised by her on that date which were also recorded by this Court in paragraph Nos. 4 and 5 of its order. He would submit that learned AGP then filed her affidavit-in-reply dated 13.02.2026, copy of which was received by Org. Petitioner only on 20.02.2026. He would submit that Review Petitioner did not get an opportunity to consider the contents of the affidavit filed by learned AGP on behalf of the Education Officer and address the Court on that. He would submit that Education Officer in her affidavit filed stated that the Teacher

cannot be reinstated in any other school run by the Review Petitioner despite she having showed her readiness and willingness to get accommodated. He would submit that this Court considered the affidavit filed by the Education Officer and recorded its contents and learned AGP's submissions in regard thereto in paragraph No. 6.3 of the impugned order which is under review. He would submit that in that view of the matter, once the Teacher had agreed before the Court that she would be ready and willing to take employment in any other school run by the Review Petitioner, there was no reason for this Court to pass the final order on merits of the matter and direct reinstatement of the Teacher in the same Junior College from where she was terminated. Submission made by Mr. Bodake is refuted by Mr. Deshmukh on the ground that Mr. Bodake cannot force his client's will on the Court and seek dislodging of the final order passed on merits of the case only because it suits the Petitioners.

2.2. Second submission made by Mr. Bodake for review is that there was no vacancy on the date of appointment of Org. Petitioner in the Junior College which ought to have been considered by this Court. The same is considered, and if that be so the Petitioners ought not to have appointed the Teacher.

2.3. Third submission for review is that the Court ought to have considered the educational qualification of the Teacher that she

possessed qualification as MA-English, MA-Political Science and B.Ed. but she was appointed as Shikshan Sevak (Assistant Teacher) against leave vacancy on oral direction. Again this ground is on merits which is also considered.

2.4. Fourth submission is that appointment of Teacher was purely on temporary basis by the Petitioners and therefore her reinstatement as directed by the Court needs to be reviewed.

2.5. Fifth and final submission made by Mr. Bodake is that appointment of Teacher was without she responding to any public advertisement of recruitment and therefore she ought not to have been reinstated by Court.

3. Apart from the aforesaid five submissions for seeking review, Mr. Bodake would submit that with regard to the award of backwages, the Teacher had not made any specific averment with regard to she not being in gainful employment and therefore the award of backwages has been incorrectly awarded by the Court and needs to be revoked.

4. On the basis of the aforesaid submissions, he would submit that in view of readiness and willingness shown by the Teacher in the hearing held on 06.02.2026, Petitioners were ready and willing to accept and give her employment as Teacher in any of the other school run by the Management of the Petitioners. However on 20.02.2026

when the matter was heard by Court, Petitioners did not get an opportunity to argue the above issues which are argued today on merits in view of this Court accepting the affidavit-in-reply filed by the Education Officer and reserving the matter for passing the final order. He would therefore persuade the Court to review the order dated 05.03.2026 and allow the Review Petition.

5. I have considered the submissions made by Mr. Bodake in present Review Petition and perused the record of the case.

6. At the outset, it needs to be immediately stated that when the Writ Petition was heard 05.03.2026, Petitioners were not unrepresented. Review Petitioners i.e. the Educational Institution was duly represented by Ms. Pawar instructed by Mr. Bodake, learned Advocates. When the matter was heard, Ms. Pawar informed the Court that the Educational Institution has not filed affidavit-in-reply to the Petition and would submit to the orders of the Court. Same stands recorded in paragraph No. 3 of the impugned order. Review Petitioners had been appearing since long and could have filed its Reply, but chose not to file the same. That apart the ground for seeking review on the basis of acceptance of affidavit filed by learned AGP on 13.02.2026 in my opinion cannot be a ground available to the Petitioners herein for review of the judgment and order dated 05.03.2026. Infact the submissions made by learned AGP in the

affidavit have been duly considered pursuant to the directions which were given on 06.02.2026. Mr. Bodake's contention that once the Teacher had shown her readiness and willingness which was recorded in the order dated 06.02.2026, it amounted to determination of the Writ Petition.

7. I am unable to accept this submission made by Mr. Bodake. Judgment and Order dated 05.03.2026 has been passed strictly in accordance with law on the merits of the matter after considering the submissions of the parties before me. Mr. Bodake's contention that Petitioners - Educational Institution has not been heard is therefore incorrect. In fact, Review Petitioners were duly represented by Advocate Ms. Pawar who is a junior of Mr. Bodake and when her turn came to argue she submitted to the orders of the Court despite which the Petitioners submissions on merits which were advanced before the School Tribunal and during the previous hearings were duly considered in the judgment and order dated 05.03.2026 finally disposing of the Writ Petition.

8. Present Review Petition is nothing but a sheer abuse of the due process of law by the Petitioners - Educational Institution. The facts in the present case on the basis of which Petition is decided by this Court by order dated 05.03.2026 are extremely gross. Same are duly recorded in paragraph Nos. 8 to 10 of the order dated 05.03.2026

which *prima facie* consider the case of the Educational Institution on merits. In that view of the matter, no ground whatsoever for review has been made out. Infact, the grounds which are argued in the Review Petition are grounds for appeal. Right of the Review Petitioners to file Appeal is available to them to be exercised in accordance with law.

9. In view of the above, this court finds no error apparent whatsoever on the face of record in the judgment and order dated 05.03.2026 passed while determining and disposing of Writ Petition No. 2296 of 2022. No ground for review whatsoever has been made out. Review Petition stands dismissed. No costs.

[MILIND N. JADHAV, J.]

10. After this order is pronounced in Court, Ms. Pawar, learned Advocate for Petitioners persuades the Court to stay the present order in order to test its validity and legality before the Supreme Court. However, in view of the observations and findings given, I am not inclined to grant any stay. Hence the request made by Ms. Pawar is rejected.

[MILIND N. JADHAV, J.]

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by RAVINDRA
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