



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

MISC. CIVIL APPLICATION NO. 337 OF 2025
IN
WRIT PETITION NO. 5112 OF 2012

APPLICANTS

- : 1] Kanchanlal S/o Maniram Prajapati,
Aged about 63 yeas, Occu. Retired,
R/o Hansapuri Khadan, Nagpur.
- 2] Ravindra S/o Gangadhar Pillewan
(Since deceased, thru. LR.s.)
- 2A. Shobhana Wd/o Ravindra Pillewan
Aged about 50 years, Occu. Nil
- 2B. Shauravi D/o Ravindra Pillewan,
Aged about 26 years, Occu. Student,
- Both 2A and 2B R/o Near Samata Maidan,
Plot no. 152, Ambedkar Colony,
Lashkari Bagh, Dr. Ambedkar Marg, Nagpur
- 3] Deepak Kusaramji Satpute (Satpudke),
Aged 55 years, Occu. Service,
R/o Plot No. 23, New Shivaji Nagar,
Rameshwari Ring Road, Nagpur.
- 4] Prafulla Baburaoji Charde,
Aged about 51 years, Occu. Service,
R/o Plot No. 91(A), Juna Subhedar
Layout, Nagpur.

VERSUS

NON-APPLICANTS

- : 1] State of Maharashtra,
through Secretary, Education Department,
Mantralaya, Mumbai 400 032.
- 2] Director of Education,
Maharashtra State, Pune.
- 3] Commissioner, Nagpur
Municipal Corporation, Nagpur.

4] Deputy Commissioner, Nagpur,
Municipal Corporation,
Civil Lines, Nagpur.

5] The Education Officer (Secondary),
Nagpur Municipal Corporation, Nagpur.

Mr. S. G. Karmarkar, Advocate for the applicants.
Mrs. M. R. Kavimandan, A.G.P. for respondent nos. 1, 2 and 5
Mr. N. S. Jadhav, Advocate for respondent nos. 3 and 4.

CORAM : M. W. CHANDWANI and
ABHAY J. MANTRI, JJ.

Judgment Reserved on : FEBRUARY 13, 2026.

Judgment Pronounced on : APRIL 10, 2026

JUDGMENT:

1. Heard Mr. S. G. Karmarkar, learned counsel appearing for the applicants, Mrs. M.R. Kavimandan, learned A.G.P. appearing for respondent nos.1, 2 and 5 and Mr. N. S. Jadhav, learned counsel appearing for respondent nos.3 and 4.

2. By this application, the applicants/original petitioners seek review of the judgment and order dated 06.07.2023 passed in Writ Petition No. 5112/2012 on the premise that a mistake has occurred on the face of the record in the impugned judgment and order.

3. It is contended that, the dates 24.05.2010 and 05.01.2013

are not relevant to consider the applicability of the pay-scale of Rs.5500-9000 to the petitioners and these dates have nothing to do with this matter. According to the applicants, they are entitled to the seniority from the date of appointment and acquisition of the qualification as the case may be and entitled to the pay-scale of Rs.5500-9000 from 11.09.2002, 30.09.2003, 27.11.1998 and 01.12.1998, respectively.

4. We have perused the judgment and order under review as well as the record of W.P. No. 5112/2012. The applicants/original petitioners had challenged the impugned order dated 24.05.2010 passed by respondent no.4 – the Deputy Commissioner, Municipal Corporation, Nagpur whereby the pay-scales of the applicants were reduced from Rs.5500-9000 to Rs.4500-7000 and vide prayer clause (1), they sought setting aside of the order dated 24.05.2010 and vide prayer clause (2) the further direction was sought to restore the pay-scale Rs.5500-9000 of the applicants.

5. The non-applicants filed their reply and brought to the knowledge of the Court that from 05.01.2013, the pay-scales of the petitioners was restored. Accordingly, this Court passed the order directing the respondents to pay arrears of difference in the pay-

scale of Rs.1400-2600 and Rs.1200-2040 i.e. Rs.5500-9000 as per Fifth Pay Commission and Rs.9300-34800+Grade Pay Rs.4300/- as per Sixth Pay Commission, whichever is applicable from 24.05.2010 till 05.01.2013. Thereby, respondent no.3 was directed to pay the arrears to the petitioners within eight weeks from the date of receipt of the impugned order.

6. At this juncture, we are unable to understand how the applicants can raise a ground that the dates 24.05.2010 and 05.01.2013 are not the relevant dates. Therefore, one of the grounds which has been raised by the applicants is misconceived and dehors the facts of the case. Perhaps, that may be the reason, this Court and the Supreme Court time and again reiterated that the counsel who represents the parties in a writ petition should only file the review petition because he/she understands the facts as well as the circumstances in which the order under review came to be passed.

7. Be that as it may, it appears that, precisely the petitioners are seeking pay-scale of Rs.1400-2600 i.e. Rs.5500-9000 from the date of their appointment, which was sought in the petition by way of prayer clause (iv).

8. It is settled principal of law that if any relief sought by the petitioner in the petition is not granted, it is deemed to be refused. We must clarify that perusal of the petition reveals that, the petitioners were granted pay-scale of Rs.5500-9000 from 27.02.2000, and almost after ten years of granting the same, it was withdrawn by the impugned order dated 24.05.2010. That, Petitioner nos. 3, 4 and deceased petitioner no.2 appear to have been appointed in the year 1998 whereas petitioner no.1 appear to have appointed in the year 1992 and after starting to get the proper pay-scale in the year 2000, they did not raise this issue of proper pay-scale of Rs.5500-9000 for the period starting from 1992/1998 as the case may be to 2000 untill the pay-scale of Rs.5500-9000 was withdrawn i.e. on 24.05.2010. Thus, almost after twelve years that too when the impugned order was passed, an additional prayer was made for applicability of the said pay-scale from the date of their appointment till 27.02.2000. Therefore, the said pay-scale was not granted to them from their appointment.

9. We deem it appropriate to refer to the decision of the Supreme Court in case of *S.Madhusudhan Reddy .vs. V.Narayana Reddy and another*¹, which has dealt in extenso with the settled

1 (2022) 17 SCC 255

position of law pertaining to review jurisdiction, which read as under :

“20. A glance at the aforesaid provisions makes it clear that a review application would be maintainable on -

(i) discovery of new and important matters or evidence which, after exercise of due diligence, were not within the knowledge of the applicant or could not be produced by him when the decree was passed or the order made;

(ii) on account of some mistake or error apparent on the face of the record; or

(iii) for any other sufficient reason.

10. It is well settled that unless the Court is satisfied that there is a manifest or material error, review is not tenable.

11. The view taken by this Court in the Judgment and Order under review may be erroneous but that may be a matter of appeal. Certainly, the petitioners if aggrieved by the Judgment and Order under review have the right to raise a challenge in an appropriate proceeding but not by way of review before the same Court. We are of the considered view that, the grounds canvassed for invoking review jurisdiction are not tenable. The contentions or the grounds raised are beyond the scope of review jurisdiction.

12. The application is accordingly dismissed. No costs.

(Abhay J. Mantri, J.)

(M.W.Chandwani,J.)

Diwale