

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

MISC. CIVIL APPLICATION (MCA) NO. 861 OF 2024
IN
WRIT PETITION NO.7649 OF 2023

Walmik S/o Uttam Avhad

Vs.

The State of Maharashtra through its Secretary, School Education and Sport
Department, Mantralaya and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri A.G. Ambetkar, Advocate for applicant through V.C.
Shri H.D. Futane, AGP for non-applicant/State

CORAM : SMT. M.S. JAWALKAR AND
NANDESH S. DESHPANDE, JJ..
DATED : 13.01.2026

Heard Shri Ambetkar, learned Counsel for the
applicant.

2. This is an application seeking review of judgment/
order dated 02.09.2024, in Writ Petition No. 7649/2023, in
which the Co-ordinate Bench of this Court has observed as
under :

*“(4) In our considered opinion, merely
because the Administrator has been appointed,
that cannot be considered as an obstacle to grant
subsistence allowance to the Petitioner in terms of
Rule 34 of the Maharashtra Employees of Private*

Schools (Conditions of Service) Rules, 1981. The Petition is, therefore, allowed by directing the Respondent Nos. 3 and 4 to grant subsistence allowance to the Petitioner in terms of Rule 34 of the MEPS Rules, 1981.”

3. We see no error apparent on the face of record and particularly, in view of prayer clause (C) of the application for review which seeks restoration of the original status of the petition which, in our view, cannot be done in review application, more particularly when the scope of review is limited to see if there is any error apparent on the face of record. The challenge in the review is misconceived and the application is therefore rejected.

(NANDESH S. DESHPANDE, J.) (SMT. M.S. JAWALKAR, J.)

Jayashree....