



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

MISC. CIVIL APPLICATION NO.937 OF 2025

[Shri Samatdada Shikshan Sanstha and one .vs. Shri Bansilal Madhukar Rathod and others]

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

Court's or Judge's orders

Mr. A.Z. Jibhkate, Advocate for Applicants.
Mr. S.M. Vaishnav, Advocate for Respondent No.1.
Mr. S.C. Joshi, AGP for Respondent Nos.2 and 3-State.
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CORAM : ROHIT W. JOSHI, J.

DATE : APRIL 28, 2026.

1. The present application is filed seeking review of judgment dated 16.10.2025 passed in Writ Petition No.4043/2022.
2. The petition arises out of a judgment and order passed by the School Tribunal in Appeal No.STA No.12/2018. The respondent no.1 had filed the said appeal contending that his services were orally terminated with effect from 29.1.2018. The applicant/management had filed reply in the said appeal inter alia contending that the respondent no.1-appellant had rendered services only till 1.8.2017. However, during the course of argument, the contention was raised that the respondent no.1-appellant had abandoned services with effect from 15.11.2017 and an illusory cause of action with respect to otherwise termination with effect from 29.1.2018 was raised. It is contended that there is no material on record to indicate that the respondent no.1-appellant was in service till 28.1.2018 or 29.1.2018.
3. This court has rejected the contention raised by the petitioner-management that the respondent no.1-appellant had

abandoned services with effect from 15.7.2017 on the ground that the said stand was contrary to the written statement.

4. Mr. Jibhkate, the learned Advocate for the applicants, contends that the error apparent on the face of record is that although the contention in the written statement is incorrect, this court has failed to abide by the settled legal principle that the appellant must stand on his own legs and, therefore, should have placed material on record to establish that he was working till 29.1.2018 and that his services were terminated with effect from 29.1.2018.

5. I am afraid, the contention raised cannot be accepted, particularly having regard to the limited scope of interference while entertaining an application for review. The management had come up with a specific case of abandonment of service with effect from 1.8.2017. The contention was falsified from the record of management indicating that the appellant was in service after 1.8.2017. In the light of aforesaid, it is not open for the management to contend that the services were abandoned with effect from 15.11.2017. The party cannot be allowed to take stand contrary to its own pleadings.

6. No case for interference is made out. Application is rejected.

(ROHIT W. JOSHI, J.)