

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
AURANGABAD BENCH, AT AURANGABAD.**

Civil Application No. 10556 of 2013

(In Review Application Stamp No. 22813 / 2013)

(In Writ Petition No. 5619 of 2009)

Vijayalaxmi d/o. Hiranathrao Salikar,
Age : 20 years,
Occupation : Education,
R/o. Omerga, Taluka : Omerga,
District : Osmanabad.

.. Applicant.

versus

1. The State of Maharashtra,
through its Secretary,
Social Welfare Department,
Mantralaya, Mumbai - 32.
2. The Caste Scrutiny Committee No.2,
Aurangabad, Division Latur.
3. Pune University,
Pune, District : Pune.
4. Annasaheb Gopalrao Aute College
of Engineering,
Manjari Road, Hadapsar, Pune,
through its Principal.

.. Respondents.

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Mr. P.B. Rakhunde, Advocate, for the applicant.

*Mr. P.P. More, Assistant Government Pleader, for
respondent nos.1 and 2.*

Respondent no.3 served (Absent).

Mr. S.V. Natu, Advocate, for respondent no.4.

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**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATE : 8TH JUNE 2015

PER COURT :

1. Heard Adv. Mr. P.B. Rakhunde for the applicant, learned AGP Mr. P.P. More for respondent nos.1 and 2, and Adv. Mr. S.V. Natu for respondent no.4.
2. This is an application seeking condonation of delay of 1341 days caused in filing the Review Application seeking review of the order dated 11-11-2009, passed in Writ Petition No. 5619 of 2009.
3. The facts, in nutshell, are as under :

The petitioner was an Engineering student. The Caste Scrutiny Committee rejected her caste claim on 1st July 2009. This resulted into interruption in her education. She was in third year Engineering Degree Course. She came to this Court by filing Writ Petition No. 5619 of 2009. The Writ Petition was dismissed on 11th November 2009. Her education continued to be disrupted. It is the case of the applicant, that she then approached the Supreme Court by filing Petition for Special Leave to

Appeal (Civil) No. 34713 of 2009. Her Advocate, however, withdrew the Special Leave Petition on 8th January 2010. According to her, her Advocate did not communicate this development to her till 2013. After she learnt from her Advocate, that her Special Leave Petition before the Supreme Court is dismissed as withdrawn, she filed accompanying Review Application, wherein delay has been caused.

4. The question before us is, whether we should believe the statement of the applicant, that she was not aware till 2013, that her petition before the Supreme Court was over in January 2010. From the facts and circumstances of this case, we are unable to believe the applicant's case. As stated above, the applicant's education was disrupted because of the order of the Caste Scrutiny Committee which was passed in 2009. We are told, that thereafter, the applicant was not allowed to appear for fourth year examination of Engineering Course. She did not get opportunity to appear for such examination in 2010, 2011, 2012 and 2013. She was unable to continue her education. This was a serious loss to any student and, in such situation, such student would try to get some relief from some authority or court. If the petitioner did not obtain any order from any court, after 2009, which permitted her to continue her education, we are unable to believe her statement, that she was not aware of the fate of her petition before the Supreme Court, for the next three years. The petitioner simply slept over her case or probably accepted her fate. Rather belatedly, she tried to revive her case. We are not inclined to favour a litigant who is not diligent in pursuing his litigation.

5. In the result, the Application seeking condonation of delay is

(4)

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rejected. Consequently, registration of the Review Application is refused.

(A.M. BADAR)
JUDGE

(A.V. NIRGUDE)
JUDGE

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