

Vidya Amin

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

**REVIEW PETITION NO. 8 OF 2015
IN
WRIT PETITION NO. 5250 OF 2014**

The President, Nivrati Seva Sangh & Anr. ... Petitioners
vs.
Ms. Kalmunisa Ibrahim Inamdar & Anr. ... Respondents

Mr. Surel S. Shah, Advocate for the petitioner.
Mr. G.M. Savagave with Suman Lengare, Advocate for respondent no. 1.
Ms. S.S. Bhende, AGP for respondent no. 2.

**CORAM : SMT. VASANTI A. NAIK &
C.V. BHADANG, JJ.
DATE : 22nd January, 2015.**

P.C.

By this Review Petition, the applicants seek the review of the judgment and order dated 7th January, 2015 in Writ Petition No. 5250 of 2014.

It is stated on behalf of the applicants that the original petitioner/non-applicant had secured the employment on a post reserved for the Other Backward Classes on a certificate of Muslim Kasab caste. It is stated that the service of the original petitioner was terminated, as the caste claim was not verified. It is stated that the Scrutiny Committee has now granted a validity certificate that the original petitioner belongs to Muslim Mulani caste, which also falls under the Other Backward Classes.

The only ground for seeking the review of the order is that, at the relevant time, when the original petitioner was appointed, Muslim Mulani caste did not fall under the Other Backward Classes.

On hearing the learned counsel for the parties and on a perusal of the order that is sought to be reviewed, we do not find that the order suffers from any error apparent on the face of the record. The original petitioner's caste claim has been verified and it is held by the Scrutiny Committee that the original petitioner belongs to Muslim Mulani caste, which falls under the Other Backward Classes. Since the original petitioner was appointed on a post earmarked for the Other Backward Classes, in view of the change in circumstances, the petitioner was entitled for reinstatement in service on the validity of his caste claim.

Since no ground has been made out for reviewing the order that is sought to be reviewed, we dismiss the Review Petition.

A prayer is made by the learned counsel for the applicants for staying the order that is sought to be reviewed on the ground that the applicants are interested in challenging the order of the Scrutiny Committee granting validity certificate in favour of the original petitioner. We are surprised as we have never seen an employer doing this in any

matter. The prayer for staying the order that is sought to be reviewed is rejected.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)