

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

CAO NO. 1521 OF 2015 AND MCA ST. NO. 16367 OF 2015
IN WRIT PETITION NO. 995 OF 2003

(Jayant Keshav Sonkusare vs. State of Maharashtra, Department of Tribal Development thr. its
Secretary & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
P.N. DESHMUKH, JJ.
AUGUST 27, 2015.**

Heard Shri Narnaware, learned counsel for the applicant/ petitioner and Shri Rao, learned AGP for respondent Nos. 1 to 3.

Shri Narnaware, learned counsel submits that writ petition challenging an order of invalidation of caste claim came to be admitted by this Court for final hearing and the services of the petitioners were protected subject to the petitioner not obtaining any further benefit of the caste claim. Unfortunately, writ petition came to be dismissed in default on 18.12.2014. As this order came to knowledge belatedly, the application for restoration has been moved with delay of about 216 days.

The learned AGP is opposing the prayer for condonation of delay as also for restoration. He is seeking time to file reply. However, we find that the applicant/ petitioner is even today in service. As such, we do not find any malafides in the matter. The applicant appears to be interested only in protection and for that purpose, he is relying upon the Full Bench

judgment of this court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., reported at 2015 (1) Mh. L.J. 457.

We, therefore, condone delay. Office to register MCA Stamp No. 16367 of 2015. For the very same reasons MCA Stamp No. 16367 of 2015 is also allowed. The orders dated 18.12.2014 are recalled and Writ Petition No. 995 of 2003 is restored back to file.

Shri Rao, learned AGP waives notice after restoration of writ petition. List the petition for final hearing on 28.09.2015.

JUDGE

JUDGE

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