

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

C.A.O.NO. 56/2014 IN M.C.AST.NO19060/2013 IN W.P.NO.845/2013.

Kirankumar Sahebrao Ingle

-VERSUS-

Chief Executive Officer, Z.P. Buldhana and another.

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.**

DATE : OCTOBER 20, 2015.

Heard Shri S.G. Joshi, learned counsel for the applicant and Ms. K. Deshpande, learned A.G.P. for respondent no.2.

2. Learned counsel for the applicant is seeking a short adjournment. However, similar applications for review are already disposed of by this Court, hence, we have rejected the request.

3. Writ Petition No. 845/2013 was disposed of by this Court on 12.04.2013. Petition challenged termination effected on 01.10.2008 for not submitting caste validity certificate. This Court there took note

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of the fact that caste claim was already invalidated. It also took note of the fact that caste claim was invalidated on 30.07.1998 itself. After invalidation of caste claim, a show cause notice was given to the applicant/ petitioner in the year 2006, and thereafter he was terminated.

4. In this situation, review is sought on the ground that the appointment of the petitioner being prior to 28.11.2000, he is entitled to protection of services in view of the decisions of Hon'ble Supreme Court in case of Kavita Solunke and Dattu Namdeo Thakur.

5. In this review petition, it is pointed out that the petitioner has filed Writ Petition No. 3623/2008, and it was partly allowed on 05.10.2009. It is submitted that caste claim has been remanded back to the Committee and it is still pending.

6. Writ Petition No. 845/2013 has been decided on 12.04.2013, obviously during the pendency of the matter before the Caste Scrutiny Committee.

7. Prayer for review is belated by 159 days and hence, present Civil Application is filed seeking its condonation.

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8. In review proceedings, Civil Application (O) No.1760/2015 is file seeking leave to raise additional grounds by pointing subsequent decision of Full Bench of this Court reported at **2015[1] Mh.L.J. 457 (Arun Sonone .vrs. State of Maharashtra and others)**.

9. We find that the said Full Bench decision which clarifies the situation and holds that protection extended by the Hon'ble Supreme Court is not under Article 142 of the Constitution of India, has no relevance at this stage.

10. With liberty to the applicant to take such other steps, including expeditious disposal of caste claim, we dispose of the present proceedings. No costs.

JUDGE

JUDGE

Rgd.