

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

CIVIL APPLICATION (CAO) NO.1645 OF 2014

AND

MCA ST.NO.22318 OF 2014

IN

WRIT PETITION NO.500 OF 2014

Shri Lalsing C/o Jamsing Ningwal

..VS..

**The Scheduled Tribe Certificate Scrutiny Committee, Amravati,
thr its Dy. Director**

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

Court's or Judge's order

Shri G.R. Sadar, Counsel for the Applicant/Petitioner.
Shri Abhijeet Deshpande, Counsel for the NA/Resp.

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.**
DATE : MARCH 02, 2015.

Heard.

With consent of the parties, we are
passing the common order.

Writ Petition No.500 of 2014, by which
the caste claim of the petitioner as belonging to
caste "Bhilala" was invalidated by the Scrutiny
Committee on 11.6.2013, came to be dismissed
in default on 9.9.2014. There was no
appearance for petitioner on 26.8.2014 and,
thereafter, on 9.9.2014.

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Shri G.R. Sadar, learned counsel, submits that listing of matters escaped the attention and hence, the matter could not be attended to. In the process, there is delay of 39 days and hence, there is separate application for condonation of delay. He also states that the petitioner was in employment and lost it during the pendency of his caste claim before the Scrutiny Committee.

Shri Abhijeet Deshpande, learned counsel for the Scrutiny Committee, is opposing any intervention. He points out that the matter was listed on two different dates with gap of fifteen days and on both dates there was no appearance for the petitioner. He, therefore, prays for dismissal of the writ petition.

The fact, that the petitioner lost employment during the pendency of his caste claim before the Scrutiny Committee, is not in dispute at least at this stage. Similarly, his caste claim was invalidated by the Scrutiny Committee and as such it cannot be said to be an erroneous or misconceived challenge.

The prayer for condonation of delay is supported by the affidavit and we do not find fact disclosed incorrect. There are no malafides. As such, we condone delay of 39 days. The civil

application for condonation of delay is allowed and disposed of.

Registry to register the misc. civil application for very same reasons. We also grant prayer in misc. civil application and recall order dated 9.9.2014.

The writ petition is restored back to file.

Shri Abhijeet Deshpande, learned counsel, waives notice after restoration.

WRIT PETITION NO.500 OF 2014

List the writ petition for admission on 23.3.2015.

JUDGE

JUDGE

!! BRW !!

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