

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

C.A.O.NO.290/2014 IN M.C.A.ST.NO. 23044/2013
IN W.P.NO. 2630/2010.

Shri Chinteshwar Narayan Burde

VERSUS

Union of India and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 17, 2015.

Heard Shri S.P. Kshirsagar, learned
Counsel for the applicant and Shri R. Deo, learned
A.S.G.I. for respondents.

Prayer is to condone delay of 822 days in
filing Misc. Civil Application for review. Review is
sought of orders dated 24.08.2011 in Writ Petition No.
2630/2010. Submission is, the office order of Central

Government protecting employment of Scheduled Tribes dated 10.08.2010, has not been considered. Learned Counsel further states that the law then looked into by this Court is found not correct by a recent Full Bench judgment in case of Arun Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457). It is pointed out that this Court in the said Full, Bench has also observed that though the issue may have been gone into earlier Writ Petition, in appropriate case a fresh challenge on that basis is available.

Perusal of order dated 24.08.2011 in Writ Petition No. 2630/2010 shows that request for protection in employment was made before the Division Bench in Letters Patent appeal on 14.10.2003 and it was rejected. It was earlier rejected by the learned Single Judge on 26.03.2001 while considering challenge to validity of the orders passed by the Scrutiny Committee. After this, one more effort was made before the Central Administrative Tribunal. All these facts finds mention in Court order. The order of

Central Government dated 10.08.2010 is also mentioned in paragraph no.3 thereof.

Full Bench view then prevailing in case of Ganesh Kahalale .vrs. State of Maharashtra (AIR 2009 Bom. 122), has been looked into and applied.

It is therefore, obvious that the subsequent Full Bench which holds that Ganesh Kahalale, does not lay down correct law, cannot enable the applicant to seek review of the said order.

As such we are not inclined to consider the question of delay.

With liberty to the applicant to take such other steps as are open in law, we dispose of both the Applications, with no order as to costs.

JUDGE

JUDGE

Rgd