

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

C.A.O. NO.261/2015
IN
M.C.A. STAMP NO.21990/2014
IN
WRIT PETITION NO.4128/2003

Ramrao Babaji Shegaye
..Versus..

Vikas Shikshan Mandal, Nagpur, through its Secretary 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 : Z.A. HAQ, J.
DATE : 19.1.2016

Heard Shri P.N. Shende, advocate for the applicant - original respondent no.1, Shri A. Shelat, advocate for non-applicants 1 and 2 - original petitioners and Shri B.M. Lonare, A.G.P. for non-applicant no.3 - original respondent no.2.

The applicant has filed this application seeking review of the judgment passed by this Court in Writ Petition No.4128/2003 on 17th July, 2014. It is the contention of the applicant in review application that the petition has been allowed accepting the statement made on behalf of the

non-applicants 1 and 2 - original petitioners that the applicant was appointed against the post reserved for Nomadic Tribe candidate and the caste claim of the applicant is invalidated by the Scrutiny Committee. It is submitted on behalf of the applicant that the statement on behalf of the Management is false and, therefore, the judgment is required to be reviewed. There is delay of 83 days in filing the review application and, therefore, an application praying for condonation of delay is filed.

Shri A. Shelat, learned advocate for non-applicants 1 and 2 - original petitioners has opposed the application for condonation of delay on the ground that the justification given in the application cannot be accepted as it is false and incorrect. It is submitted that the applicant has stated that he could not file the review application within time as he is unemployed and is facing financial hardships and is required to make arrangement for funds and because of that the delay has occasioned. It is submitted that the applicant is in service and has made incorrect statement for seeking condonation of delay.

The contentions of the applicant and the non-applicants 1 and 2 are based on the statements made on solemn affirmation.

In these circumstances, I feel it appropriate to condone the delay, considering the points raised by the applicant in the review application. Civil Application (C.A.O.) No.261/2015 is allowed accordingly.

The non-applicant no.3 - Education Officer shall file reply explaining the position regarding the status of the post in which the applicant - original respondent no.1 was appointed.

List the miscellaneous civil application for consideration on **10th February, 2016**.

JUDGE

Tambaskar.