

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

MCA (REVIEW) NO. 1345 OF 2015
IN WRIT PETITION NO. 3746 OF 2001

(Ranjana Narayanrao Nandanwar vs. State of Maharashtra. its Secretary, Social Welfare
Department, Tribal Development Committee & Anr.)

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.
JANUARY 08, 2016.**

Shri Khati, learned counsel for the applicant/ petitioner and Shri Maldhure, learned AGP for the respondent.

The prayer for review of judgment of this Court dated 30.10.2015 in Writ Petition No. 3746 of 2001 is only on the ground that on 22.04.2014, this Court allowed Writ Petition No. 1497 of 2014 filed by her brother and granted him validity.

After hearing Shri Khati, learned counsel and learned AGP for the non-applicant, we find that caste claim of present applicant was invalidated on 29.08.2001. The caste claim of her brother came to be invalidated on 04.03.2014.

When Writ Petition No. 1497 of 2014 was decided, the order of Scrutiny Committee, invalidating the caste claim of the sister was not pointed out. Similarly, the judgment of this Court granting validity to brother on 22.04.2014 was not pressed into service in Writ Petition No. 3746 of 2001, when it was adjudicated on 30.10.2015.

Shri Khati, learned counsel is justified in

contending that on 30.10.2015, the counsel for the petitioner could not remain present. However, the judgment in brother's case was delivered about 18 months before that date and hence could have been brought on record as per law.

The law on the point is well settled and the Hon'ble Apex Court has held that the Scrutiny Committee can, for valid reasons, differ with its earlier orders while granting either validity or invalidity.

Against the judgment dated 22.04.2014 in Writ Petition No. 1497 of 2014, SLP(C) No. 17881 of 2014 is already pending before the Hon'ble Apex Court and the Hon'ble Apex Court has on 30.07.2014 stayed that judgment.

In this situation, we find the prayer for review misconceived. This Court has already granted protection in the employment to the applicant but the facts pointed out in review petition show that she had resigned way back in the year 2004 itself.

In this situation, as we find no case made out for review and the controversy is pending before the Hon'ble Apex Court in relation to real brother of the petitioner, we dispose of the review petition. No costs.

JUDGE

JUDGE

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