

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

**CIVIL APPLICATION ST. NO. 6970 OF 2017 IN
WRIT PETITION NO.6896 OF 2014**

Sangeeta w/o Appa Kapate ... APPLICANT

VERSUS

The Additional Collector, Aurangabad
and another ... RESPONDENTS

.....
Shri S.S. Thombre, Advocate for applicant/ petitioner
Shri S.J. Salgare, A.G.P. for State
.....

CORAM: S. B. SHUKRE, J.

DATED: 4th March, 2017.

ORAL ORDER :

1. Heard Mr. S.S. Thombre, learned counsel or the applicant and learned A.G.P. for respondent Nos.1 to 3. Mr. Narwadkar, learned counsel for respondent No.3 is not present. However, it is informed by learned counsel for the applicant/ petitioner that prior intimation has been given to him about the special hearing now being held at 2.30 p.m.

2. On going through the Civil Application, I find that the

authorities could not understand the purport and import of the order dated 3/3/2017. By this order dated 3/3/2017, it was found that, the dispute regarding validity or otherwise of the caste claim of the applicant/ petitioner has been once again remanded back to the Scrutiny Committee, having the effect of reviving the pendency of the application regarding caste claim before the Scrutiny Committee and, therefore, this Court found it necessary to grant interim protection to the applicant/ petitioner. The protection so granted was in the nature of maintenance of status quo as regards the status of the petitioner as a Member of the Grampanchayat. When this Court passed an order directing the parties to maintain the status quo as regards the "status" of the applicant/ petitioner as Member of the Grampanchayat, it is obvious that the order could not have been interpreted in any other way than what it conveys expressly. It conveys that now the status of the applicant/ petitioner as Member of the Grampanchayat has been restored until further orders. When the status as Member of the Grampanchayat itself has been restored, I do not think that any further expression of the mind of the Court about staying of the impugned order passed by the learned Additional Collector was necessary. However, the authorities perhaps, could not understand the import of this order dated 3/3/2017.

3. Therefore, I find it necessary now to clarify that, status of the applicant/ petitioner has been restored as Member of the Grampanchayat until further orders and as such, it would necessarily mean that the impugned order has been stayed until further orders. I find issuance of such clarification all the more necessary because now the application regarding validity of the caste claim of the applicant/ petitioner is pending before the Scrutiny Committee and, therefore, the law governing the field prior to judgment rendered by the Full Bench of this Court has once again been restored after the Hon'ble Apex Court stayed the Judgment of the Full Bench. Thus, the order dated 3/3/2017 stands clarified in the above terms. The Civil Application is accordingly disposed of.

4. Learned A.G.P. to inform the authorities forthwith.

5. Authenticated copy of this order be made available to both the sides.

(S. B. SHUKRE)
JUDGE

fmp/