

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

C.A.O. NO.621/2017

IN

M.C.A. STAMP NO.10094/2017

IN

W.P. NO.570/2017 (D)

Anil S/o Kawdu Narule

..Vs..

State of Maharashtra, through Collector, Chandrapur and another

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 : 24.7.2017.

Heard Shri H.N. Potbhare, Advocate for the applicant / original petitioner and Shri N.R. Patil, A.G.P. for the non-applicant / respondent No.1.

The learned Additional Collector passed an order disqualifying the petitioner from continuing as Member of Grampanchayat on the ground that the petitioner was elected from a seat reserved for backward class candidate but he had not submitted the caste validity certificate within 6 months as required by Section 10(1-A) of the Maharashtra Village Panchayats Act. The order disqualifying the petitioner was passed by the learned Additional Collector on 9th January, 2017. This order was challenged by the petitioner before this Court in writ petition which is dismissed by the order passed on 30th January, 2017. The petitioner has sought review of the order dated 30th January, 2017.

When the writ petition filed by the petitioner was dismissed on 30th January, 2017, the judgment delivered by the Full Bench of this Court in the case of *Anant H. Ulahalkar and others V/s. Chief Election Commission and others* reported in **2017(1) Mh.L.J. 431** was holding field and relying on it the petition came to be dismissed. The judgment delivered by the Full Bench of this Court in the case of *Anant H. Ulahalkar and others V/s. Chief Election Commission and others* (supra) is challenged before the Hon'ble Supreme Court in Petition for Special Leave (c) Nos.29874 - 29875 / 2016 and other connected matters. The Hon'ble Supreme Court has passed an order on 13th February, 2017 directing issuance of notice and the order passed by the Full Bench of this Court in the case of *Anant H. Ulahalkar and others V/s. Chief Election Commission and others* (supra) is stayed. The contention on behalf of the petitioner is that as the judgment delivered by the Full Bench of this Court is stayed, the order passed on 30th January, 2017 be reviewed and the prayer made in the writ petition be considered on the basis of the subsequent developments i.e. in the light of the order passed by the Hon'ble Supreme Court.

The learned A.G.P. has submitted that the subsequent event i.e. grant of stay by the Hon'ble Supreme Court will not assist the petitioner inasmuch as on 13th January, 2017 when the petition was heard and decided the law laid down by the Full Bench of this Court in the case of *Anant H. Ulahalkar and others V/s. Chief*

Election Commission and others (supra) was holding field. It is submitted that the subsequent event does not give any ground to the petitioner to seek review of the order passed by this Court.

Be that as it may, the review application is filed by the petitioner beyond the prescribed period of limitation and therefore, this application is filed praying that delay of 62 days in filing the review application be condoned. The explanation is given in paragraph No.3 of the application. I find that general and vague statements are made and the applicant has not given the necessary particulars i.e. the dates on which he obtained the certified copy of the order, when he approached the Advocate at Delhi and when he is advised to file the review application. In my view, the explanation given by the applicant is not sufficient to condone the delay in filing the review application. The civil application is **dismissed**. Consequently, the miscellaneous civil application Stamp No.10094/2017 is **rejected**.

JUDGE