

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

C.A.O.NO. 287/2017 IN M.C.AST.NO.25014/2016 IN W.P.NO. 3755/2011.

Smt. Sheela S. Nandanwar.

-VERSUS-

State of Maharashtra and others.

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 &
MRS. SWAPNA JOSHI, JJ.

DATE : MARCH 01, 2017.

Heard Shri N. Meshram, learned counsel
holding for Shri S. Borkute, learned counsel for the
applicant and Shri B.M. Lonare, learned A.G.P. for
non-applicant nos.1 and 2.

2. The order of Scrutiny Committee
invalidating caste claim of applicant/petitioner as
belonging to 'Halbi' Scheduled Tribe was maintained
by this Court while dismissing Writ Petition No.
3755/2011 on 11.01.2012. Special Leave Petition
(Civil) No. 3770/2012 filed against it has been
dismissed on 16.07.2013. Thereafter present Misc.
Civil Application has been filed seeking review of the

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orders of High Court. As prayer for review is belated and there is delay of about 4 years and 302 days, Civil Application No. 287/2017 is taken out.

3. The reason for seeking review is an affidavit of Bhat - Shri Bhagwat Ghanshyam Wagh, aged 76 years dated 06.12.2016.

4. Learned counsel submits that after dismissal of Special Leave Petition, a curative petition No.84/2013 was filed and that was also disposed of. Thereafter, petitioner suffered some depression and was not in a position to think clearly. In 2015, she consulted a Doctor who advised her certain treatment. Very recently she found evidence of her genealogy maintained by a local bhat for last 4-5 generations and spread over for about 200-300 years, written on piece of palm tree leave. On the basis of that evidence filing of review petition was advised and accordingly, review petition has been tendered.

5. We find absolutely no justification for not tendering such evidence before hand i.e. before Scrutiny Committee.

6. While dismissing Writ Petition on 11.01.2012, we have continued interim protection to

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petitioner for a period of 8 weeks. The Hon'ble Supreme Court thereafter dismissed Special Leave Petition. Period of more than 4 years has expired and petitioner even today is continued in employment.

7. Learned counsel has tendered order dated 12.12.2008 in Civil Application No.7199/2007 in Misc. Civil Application (St) No. 11337/2007 wherein such huge delay was condoned. He also asserts that evidence of Bhat is admissible in law.

8. Learned A.G.P. points out that the delay is huge and there are no justifiable reason explaining it.

9. Petitioner continues in employment and except for bare assertion that she learnt about historical evidence of her family genealogy, there are no other details, why such evidence could not be produced when it was necessary during trial before the Scrutiny Committee, has not been explained.

10. We therefore, find present proceedings a roving effort to continue in employment. Civil Application is, therefore, dismissed. No costs.

JUDGE

JUDGE

Rgd.