

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
REVIEW APPLICATION NO.35 OF 2017 IN
WRIT PETITION NO.3402 OF 2012

Dhanraj s/o Mahadu Dalvi

Applicant

Versus

Ahmedkhan Mahetabkhan Pathan
and others

Respondents

Mr.A.Z.Gandhi, advocate for the applicant.

Mr.A.N.Nagargoje, advocate for Respondent No.1.

Mr.S.M.Ganachari, A.G.P. for Respondents No.2 and 3.

CORAM : R.M.BORDE AND

A.M.DHAHALE, JJ.

DATE : 11th July, 2017.

P.C. :

1 Heard learned Counsel for the review applicant. The learned Counsel has taken us through the order passed by the Scrutiny Committee and has pointed out the findings and reasons.

2 The submissions made by the review applicant are touching the merits of the contentions, which need not be re-appreciated in exercise of review jurisdiction. We have recorded a finding while disposing of the writ petition that while inspecting originals, fabrication in documentary record was noticed by the Vigilance Cell and a finding in that regard is recorded by the Scrutiny Committee. Apart from this, there is contra evidence in the form of affidavit executed by the petitioner and tendered by him to the Executive Magistrate, Sangamner, recording therein that he belongs to 'Pan Koli' community. The petitioner has failed to substantiate his claim on the basis of affinity test and the

vigilance cell report also does not support claim of the petitioner. Considering all these aspects, writ petition came to be dismissed by this Court by an order dated 14th January, 2016.

3 The review applicant places reliance on the judgment in **W.P.No.4258 of 1994**, decided on 21.12.1994; so also judgment of the Hon'ble Supreme Court in the matter of **BCCI & another Vs. Netaji Cricket Club & others**, AIR 2005 SC 592. The judgments cited are of little assistance to the petitioner. In our considered view, since the petitioner has not brought to our notice any new circumstances or new material to reconsider the decision rendered by us in the writ petition, there is no need to cause interference in the order under review. The arguments advanced by the learned Counsel for review applicant, are in the nature of submissions, which need to be considered by the appellate forum.

4 The application seeking review is devoid of substance. Hence stands rejected. In view of the rejection of review application, pending Civil Applications do not survive and stand disposed of.

A.M.DHAVALÉ
JUDGE

R.M.BORDE
JUDGE

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