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

REVIEW APPLICATION NO.240 OF 2012 IN
WRIT PETITION NO.8234 OF 2009

Bhagwan s/o Kerba Raut ... PETITIONER

VERSUS

The State of Maharashtra & ors. ... RESPONDENTS

.....

Shri V.M. Humbe, Advocate for petitioner
Mrs. D.S. Jape Ansingkar, A.G.P. for State

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CORAM: T.V. NALAWADE AND
SUNIL K. KOTWAL, JJ.

DATED : 15th FEBRUARY, 2018.

ORAL ORDER :

1. The proceeding is filed for review of the decision given by this Court in Writ Petition No.8234/2009. Heard both sides.

2. Learned counsel for the petitioner mainly submitted that, the caste validity certificate issued in favour of a cousin on father's side is not considered by this Court, which was in respect of Nandkishor Raghuveer Raut and so, the decision needs to be reviewed.

3. This Court has carefully gone through the decision given by this Court. In para No.5 of the judgment, this Court has mentioned the record as follows :

> "Before the Caste Scrutiny Committee, the petitioner relied on caste certificates issued to his relatives and validity certificates issued to his so called relatives on cousin side. He did not produce his school record, school record of his father or school record of his grandfather. He filed affidavits of some relatives, who are related with him, on paternal cousin side. Some affidavits of relatives on maternal side are also filed."

4. The aforesaid observations made by this Court show that the relevant record including the validity certificate issued to so called cousin relative on father's side was considered, but this Court has not accepted it as there was no record to prove the genealogy.

5. Learned counsel then placed reliance on the observations made by this Court in subsequently decided cases like **2018(1) Mh.L.J. 431 (Tejaswini d/o Rushi Mundare Vs. Scheduled Tribe Caste Certificate Scrutiny Committee & ors.); 2017(6) Mh.L.J. 861 (Poonam Omprakash Rathod Vs. Scheduled Tribe Certificate Scrutiny Committee & ors.**

and (2008) 9 SCC 622 (Commissioner of Income Tax - I, Ahmedabad Vs. Gold Coin Health Food Private Limited.). These cases were decided subsequent to the decision given by this Court. In view of the explanation given in Order 47 Rule 1, the subsequently decided cases cannot be considered for review of the order. Learned counsel placed reliance on the observations made by the Apex Court in **(2008) 9 SCC 54 (Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar & ors.)**.

6. As per the settled law, the Scrutiny Committee is expected to make enquiry into each matter independently and then give a decision. The facts and circumstances of each and every case always differ and each claim needs to be decided on its own merits.

7. This Court, in aforesaid para, considered the relevant material and so, the present contention is not within the scope of review. The review petition stands rejected.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

fmp/