

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

WRIT PETITION NO. 4687 OF 2016

(Organisation for Rights of Tribals thr. its President Rajendra Dadaji Maraskolhe vs. Joint Commissioner and Vice President, Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur & Ors.)

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.
JANUARY 05, 2018.**

Shri M.M. Sudame, learned counsel for the petitioner, upon instructions, seeks leave to withdraw the present petition with liberty to approach again on same cause in appropriate proceedings.

2. The request for grant of liberty is being opposed by Shri S.J. Kadu, learned AGP for respondent Nos. 1 & 2, Shri A.D. Mohgaonkar, learned counsel for respondent Nos. 3 & 4 and Shri N.C. Phadnis, learned counsel for respondent Nos. 5 to 17.

3. During hearing, we have looked into the judgment of the Hon'ble Apex Court in the case of Raju Ramsing Vasave vs. Mahesh Deorao Bhivapurkar & Ors., reported at (2008) 9 SCC 54, particularly para 45 and the recent judgment of the Hon'ble Apex Court in the case of Chairman and Managing Director, FCI & Ors. vs. Jagdish Balaram Bahira & Ors., reported at 2017 (4) Mh. L.J. 898. Similarly, our attention has also been invited to Division Bench judgment of this Court in the case of Vijaykumar

Narayanrao Kale vs. State of Maharashtra & Ors., reported at 2013 (5) Mh. L.J. 930.

4. In the light of these judgments and considering the nature of grievance, we are inclined to grant liberty as prayed for by Shri Sudame, learned counsel. However, it is made clear that all defences raised by the respective counsel are kept intact and can be looked into, if any such occasion arises.

5. Hence, with liberty to file fresh petition on same cause, we dispose of the present writ petition as withdrawn. However, there shall be no order as to costs.

JUDGE

JUDGE

*GS.