

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

REVIEW PETITION (ST) NO. 26435 OF 2015
IN
WRIT PETITION NO. 1426 OF 2012

WITH
CIVIL APPLICATION NO. 44 OF 2016
IN
REVIEW PETITION (ST) NO. 26435 OF 2015

Ms. Surekha Ramchandra Made alias
Smt. Surekha R. Kankure ... Petitioner
Vs
1 State of Maharashtra & Ors. ... Respondents

REVIEW PETITION (ST) NO. 26432 OF 2015
IN
WRIT PETITION NO. 1315 OF 2012

WITH
CIVIL APPLICATION NO. 47 OF 2016
IN
REVIEW PETITION (ST) NO. 26432 OF 2015

Shri Kishor Ramchandra Made ... Petitioner
Vs
1 State of Maharashtra & Ors. ... Respondents

WITH
REVIEW PETITION (ST) NO. 26433 OF 2015
IN
WRIT PETITION NO. 1319 OF 2012

WITH
CIVIL APPLICATION NO. 45 OF 2016
IN
REVIEW PETITION (ST) NO. 26433 OF 2015

Shri Rajesh Sadanand Made ... Petitioner
Vs
1 State of Maharashtra & Ors. ... Respondents

WITH
REVIEW PETITION (ST) NO. 26434 OF 2015
IN
WRIT PETITION NO. 1317 OF 2012

WITH
CIVIL APPLICATION NO. 46 OF 2016
IN
REVIEW PETITION (ST) NO. 26434 OF 2015

Smt. Sulochana Ganpat Made ... Petitioner
Vs
1 State of Maharashtra & Ors. ... Respondents

Mr. R.K. Mendadkar for the Review Petitioners in all matters .

Mr. V.N. Mali, AGP, for the Respondent No.1-State in all matters.

CORAM : S.C. DHARMADHIKARI &
N.M. JAMDAR, JJ.

THURSDAY, 25TH JULY, 2019

P.C. :

1 For the reasons set out in the Civil Applications, the delay in filing the Review Petitions is condoned. The Civil Applications are disposed of. The Review Petitions are taken on record and heard forthwith.

2 Having heard Mr. Mendadkar and perusing with his assistance, the judgment of a Division Bench of this Court to which my brother Hon'ble Mr. Justice N.M. Jamdar was a party, we do not think that we can entertain these Review Petitions.

3 Mr. Mendadkar submits that the judgment of the Division Bench was rendered on two points. The first related to the composition and constitution of the Scrutiny Committee and second the procedure that was to be followed necessarily by the Scrutiny Committee. The first was a challenge to the Government Resolution which constitutes the Scrutiny Committee. The specious argument that the Scrutiny Committee was constituted and in relation to which the challenge was laid and set up to scrutinize and verify the claims of the members of the Scheduled Caste and not the Scheduled Tribes fails to impress us for the Court relied upon the dictum of the Hon'ble Supreme Court in the case of *Kumari Madhuri Patil vs. Additional Commissioner, Tribal Development & Ors*, reported in (1994) 6 SCC 241. That judgment in the case of Madhuri Patil was rendered in relation to Scheduled Tribes and particularly the Scheduled Tribe "Koli Mahadeo". Next, if the composition and constitution together

with the procedure to be followed was an issue considered, then, we do not think that we should bifurcate the claims as are projected by Mr. Mendadkar.

3 The questions of law that were framed were common to all cases, including the petitions filed by the State Government challenging the individual orders of the Scrutiny Committee. One of the grounds of challenge was that the Scrutiny Committees did not follow the procedure prescribed and particularly of reference to a Vigilance Cell. That was an issue common to all the petitioners covered by the order of the Division Bench. That the Division Bench had in mind only the claims of the Scheduled Castes while rendering this judgment to our mind is not a proper and fair reading thereof. In any event, if the judgment, according to the Review Petitioners, is erroneous, then, the remedy is to challenge it in appeal. If the Division Bench has omitted from consideration the factual position in the cases brought before it by the State Government, then, by filing a Review this Bench cannot be provided a fresh opportunity to revisit the factual findings. If a judgment is erroneous, then, it has to be challenged in Appeal or Revision. That is a distinct jurisdiction. In review, one cannot

carry out a fresh inquiry to return a different finding than the one rendered in the judgment under Review. That is precisely the intent and we do not think that we should entertain these Review Petitions.

4 The ground that the petitioners were not heard also need not detain us. If the Division Bench has proceeded to decide questions of law and in relation to composition and constitution of the Scrutiny Committee as also the procedures adopted by it, it was necessarily the State Government which had to answer these issues. Having found that they were not satisfactorily answered, this judgment was rendered. We do not think that we can now segregate the judgment or parts of it claim-wise to hold that it is rendered only in relation to Scheduled Castes and not Scheduled Tribes. .

5 The Review Petitions are entirely misconceived and they are dismissed.

N.M. JAMDAR, J.

S.C. DHARMADHIKARI, J.