

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

MISC. CIVIL APPLICATION NO. 64 OF 2020

IN

WRIT PETITION NO.3048 OF 2017 (D)

(ASHAFAQ HUSAIN SABIR HUSAIN, AKOLA & OTH..VS.. C.E.O. ZILLA PARISHAD, AKOLA & ANR.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri R.D.Karode, Advocate for Applicants/Petitioners.
Shri Amol Deshpande, Advocate for Respondent Nos. 1 and 2.

CORAM : Z.A.HAQ AND
MANISH PITALE, JJ.

DATED : JANUARY 27, 2020.

Heard.

Learned Advocate for the petitioners has pointed out that in the petition the grievance of the petitioners was that the respondent No.1-Chief Executive Officer was unnecessarily asking for the Caste Validity Certificate from the petitioners though the appointments of the petitioners were not in the post reserved for Scheduled Tribe candidate, but their appointments were in the post available for Open Category. It is pointed out that the order of which review is sought proceeds on the consideration that there is delay on the part of the petitioners in submitting the documents to enable the respondent No.1-Chief Executive Officer to submit proposal to the Scrutiny Committee for validation of the caste certificates of the petitioners.

Prima-facie, we find that the order, of which review is sought, proceeded on the wrong assumption, as

pointed out by the learned Advocate for the petitioners. The learned Advocate for the respondents has not been able to controvert the submission made on behalf of the petitioners.

Hence, as we find that there is an error apparent on the face of the record, we pass the following order:

The order dated 2nd January 2020 disposing Writ Petition No.3048 of 2017 is recalled. Writ Petition No. 3048 of 2017 is restored.

It is clarified that the interim order granted by this Court on 19th May 2017 also stands restored.

The Miscellaneous Civil Application is **allowed** accordingly. In the circumstances, the parties to bear their own costs.

WRIT PETITION NO. 3048/2017.

Shri Amol Deshpande, Advocate states that he will appear for the respondents and notice of this petition need not be sent to the respondents.

List the writ petition before appropriate bench.

JUDGE

JUDGE