

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

**CIVIL APPLICATION NO. 8062 OF 2021
IN REVIEW APPLICATION (ST.) NO. 20171 OF 2021
IN WRIT PETITION NO. 1151 OF 2011**

The State of Maharashtra
Through Principal Secretary
and another

.. Applicants

Versus

Prashant Mohansingh Jhala

.. Respondent

Mr. A. R. Kale, A.G.P. for the Applicants.

Mr. M. S. Deshmukh, Advocate for Respondent.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 17th AUGUST, 2021.

PER COURT:-

. The present civil application is filed by the State for condonation of delay of 2367 days in filing review of the order dated 09.01.2015 passed in Writ Petition No. 1151 of 2011. Under the judgment and order dated 09.01.2015 passed in Writ Petition No. 1151 of 2011 this Court had upheld the judgment of the scrutiny committee invalidating the tribe claim of the respondent herein, however, granted protection in service.

2. The present review is filed on the premise that the Apex Court in

a case of *Chairman and Managing Director FCI and Ors. Vs. Jagdish Balaram Bahira and Ors.* reported in *(2017) 1 SCC 670* has held that once the claim is invalidated, the protection in service cannot be granted and the judgment of the Full Bench of this Court in a case of *Arun Sonone vs. State* reported in *2015 (1) MLJ 457* is set aside.

3. The protection granted by this Court has become final, then the same cannot be reopened. The said judgment has become final and the benefit of that judgment is also accorded to the present non applicant. The ground that subsequently the Apex Court has taken a particular view could not be a ground to condone inordinate delay of 2367 days.

4. In view of that, civil application is rejected.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.