

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

REVIEW PETITION NO. 2 OF 2022

IN

WRIT PETITION NO. 990 OF 2019

Shri Dilip Baburao Barne and Anr. ... Petitioners

Versus

Kailas Pradhan Kunjir and Ors. ... Respondents

Mr. Anant Vadgaonkar a/w Ms. Jyoti Kawade for the Petitioner in Review Petition.

Mr. Y. S. Jahagirdar, Senior Advocate a/w Mr. M. S. Lagu for the Respondent No.3.

Mrs. A. A. Purav, AGP for the State.

**CORAM: R. D. DHANUKA AND
S. M. MODAK, JJ.**

**DATE : 13th JANUARY, 2022
(Through Video Conference)**

P.C. :-

. By this review petition, the review petitioners (were not the party to writ petition no. 990 of 2019) seeks condonation of delay of 390 days in filing review petition and seeks recall of the order dated 28th January, 2019 passed by the Division Bench of this Court in Writ Petition No. 990 of 2019.

2. The review petitioner along with two others had filed a complaint against the respondent no.4 before the Caste Scrutiny Committee in respect of the caste validity certificate granted in favour of the respondent no.4. The Caste Scrutiny Committee had rejected the said complaint. The review petitioner and other two complainants were represented by the common advocate before the Caste Scrutiny Committee. One of the complainants i.e. Kailas Pradhan Kunjir filed a

Writ Petition bearing No. 990 of 2019 before this Court impugning the order passed by the Caste Scrutiny Committee granting caste validity certificate in favour of the respondent no.4. By judgment dated 28th January, 2019 passed by the Division Bench of this Court, the said writ petition came to be dismissed as devoid of any merits.

3. After dismissal of the said petition filed by Kailas Pradhan Kunjir one of the complainant, in the month of July 2019, the review petitioners filed a writ petition bearing no. 2496 of 2020 impugning the same order passed by the Caste Scrutiny Committee. On 27th August, 2021, the review petitioners sought leave to withdraw the said petition. This Court allowed the review petitioners to withdraw the said petition and made it clear that the remedies of the review petitioners to adopt appropriate proceedings were kept open.

4. The review petitioners have thus filed this review petition. A perusal of the averments made in the review petition clearly indicates that the review petitioners were fully aware of the Judgment delivered by this Court on 28th January, 2019 dismissing the writ petition no. 990 of 2019. The review petitioners however preferred to file a separate writ petition for impugning the same order passed by the Caste Scrutiny Committee. On 27th August, 2021, the said writ petition came to be withdrawn by the review petitioners. The review petitioners have filed this review petition on 26th August, 2021. It is clear that the review petition was filed before withdrawal of the said writ petition knowing that the earlier writ petition challenging the same order was already dismissed on own merits on 28th January, 2019 rejecting the

complaint filed by the review petitioners and two other complainants through the same advocate. The review petitioners have not explained gross delay of 390 days.

5. Be that as it may, we have heard the parties also on merits of the matter.

6. The Division Bench of this Court in the said judgment dated 28th January, 2019 have recorded reasons and after considering the record has rightly dismissed the said writ petition filed by one of the complainant out of four complainants. It is clear that the review petitioners were waiting for the outcome of the said writ petition no. 990 of 2019 filed by one of the complainant resulting in dismissal of the said writ petition on 28th January, 2019. If the review petitioners wanted to seek review of the said order dated 28th January, 2019, the review petitioners ought to have filed a review petition much earlier instead of filing separate writ petition. No grounds are satisfied for seeking recall of the said order dated 28th January, 2019.

7. In our view, the review petition is totally devoid of merits. Review Petition is dismissed accordingly. Review Petitioners are directed to pay cost to the Maharashtra Legal Services Authority in sum of Rs.10,000/- each within two weeks from today and shall produce a copy of receipt acknowledgment payment of such cost to the Sheristadar of this Court within one week from the date of making such payment.

[S. M. MODAK, J.]

[R. D. DHANUKA, J.]