

Versus

The State of Maharashtra and others ... Respondents

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Mr. Tanaji Jadhav instructed by Mr. R.K. Mendadkar for the Applicant/Petitioner.

Mr. P.G. Sawant, AGP for the State.

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CORAM : NITIN JAMDAR AND
N.R. BORKAR, JJ.

DATED : 26 AUGUST 2022

P.C. :-

Heard the learned Counsel for the parties.

2. This is an application for condonation of delay in filing the Review Petition.

3. We have perused the reasons. The review is filed pursuant to the liberty granted by the Hon'ble Supreme Court on 8

October 2014 and therefore, there is a technical delay in filing the Review Petition. The delay is accordingly condoned. The Civil Application is disposed of.

4. The Review Petition is taken up for consideration.

5. The Petitioner had challenged the order passed by the Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee by way of Writ Petition No.9446 of 2009. The Division Bench (D.K. Deshmukh & A.R. Joshi, JJ.) by order dated 14 January 2010 dismissed the Writ Petition dealing with the contention raised regarding qualification of one of the members of the scrutiny committee. Since the learned Judges comprising of the Bench are not available, the matter is placed before us as a special bench.

6. The Review Petitioner had challenged the order dated 14 January 2010 in the Hon'ble Supreme Court by way of a Special Leave Petition No.22568 of 2013 which was disposed of on 8 October 2014. The Supreme Court observed that the Division Bench had dealt with only one of the grounds and that was no consideration of other grounds raised by the Petitioner and therefore, has given liberty to the Petitioner to file a Review Petition. In light of the observation made by the Hon'ble Supreme Court that only one ground was dealt with and the matter is required to be considered on

the other grounds, the order dated 14 January 2010 passed by the Division Bench will have to be recalled/reviewed.

7. Accordingly, the Review Petition is allowed in terms of prayer clause (a) and the Writ Petition No.9446 of 2009 is restored to file, to be placed before the appropriate Bench as per roaster.

(N.R. BORKAR, J.)

(NITIN JAMDAR, J.)