



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

**CIVIL APPLICATION NO. 293 OF 2025
IN RAST/106/2025
WITH
REVIEW APPLICATION STAMP NO.106 OF 2025
IN
WRIT PETITION NO.11037 OF 2024**

Smt. Tulsa Vishwanath Waware,
Age: 53 years, Occu. Service,
Presently working as a Arogyasevika
at Primary health Centre, Nagad,
Tq. Kannad, Dist. Chhatrapati Sambhajinagar
(Aurangabad).

Applicant
(Petitioner in WP)

VERSUS

1. The State of Maharashtra
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. Zilla Parishad, Aurangabad
Through it's Chief Executive Officer,
Zilla Parishad, Aurangabad.
3. The Scheduled Tribes Certificate
Scrutiny Committee, Amravati,
Through its member-Secretary.

Respondents

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Advocate for Applicant : Mr. D. R. Irale Patil
AGP for Respondent-State: Mr. A. R. kale

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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : January 10, 2025

FINAL ORDER:- (Per S. G. Chapalgaonkar, J.)

1. The applicant seeks review of the order dated 15.10.2024 passed by this Court in Writ Petition No.11037 of 2024 and by separate application, seeks to condone the delay caused in filing the review application.

2. We have considered together both the applications.

3. Mr.D.R. Irale-Patil, learned Advocate appearing for the applicant submits that on 15.10.2024, this Court passed final order in Writ petition No.11037 of 2024 and while rejecting the Writ Petition, imposed exemplary costs of Rs.1,00,000/- (Rs.One Lakh) so also, directed departmental inquiry against the petitioner for false representation to employer regarding pendency of her caste/Tribe claim.

4. Mr. Irale Patil submits that the applicant has rendered 24 years service and her family is dependent on her income. The applicant was not aware about disposal of her earlier Writ Petition No.9638 of 2013 vide order dated 07.02.2020. She took all the steps as per legal advise. The directions thereby imposing exemplary cost and initiation of departmental action would ruin her career. He

would therefore urge to review the order dated 15.10.2024.

5. We have considered the submissions advanced. Apparently, the applicant is not coming with any legal ground available for review of the final order passed by this Court. The parameters of jurisdiction for entertaining Review Application are compassed by Order 47 Rule 1 of Code of Civil Procedure Code, but none of the ground as prescribed, enabling review has been put into service before us.

6. This Court while passing the final order dated 15.10.2024 observed deliberate conduct on the part of the applicant, thereby misusing the procedure of law and filing sequel of Writ Petitions suppressing material facts. Admittedly, applicant had secured the employment on the post reserved for Scheduled Tribe. In Writ Petition 9638/2013 citing pendency of Tribe claim before committee, she successfully secured the interim order for continuation of her services. Pertinently, she had abandoned her Tribe claim by filing affidavit dated 02.03.2013 before committee. Thereafter, secured final order dated 02.02.2020 depicting that now she is pursuing her claim for "Koli Special Backward Class category" which is pending for verification while disposing Writ Petition No. 9638/2013. Accepting her statement, again in year 2020 her service were protected. In fact,

the concerned Committee had already conferred the validity for 'Koli Special Backward Class' Category in favour of petitioner on 18.07.2013. Again by suppressing the aforesaid facts, the Writ Petition no.11037 of 2024 was filed seeking protection of services citing the reason regarding pendency of caste claim. This Court consciously issued directions stipulated in Para 11 of the order. Applicant deserve no sympathy, since her conduct was most unfair.

7. In that view of the matter, no case is made out for review. Hence, the applications stand rejected.

(S. G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

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