



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5349 OF 2025

Rajiv s/o. Vithalrao Palekar
Age: 52 years, Occu: Service
R/o. Lecturer Colony, Vasant Nagar,
Dist. Nanded.

...Petitioner

VERSUS

1. The State of Maharashtra
Through it Secretary,
Tribal Development Department,
Mantralaya Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee Kinwat
Head Quarter at Chh. Sambhajinagar,
Through its Dy. Director (R.),
Dist. Chh. Sambhajinagar.
3. The Chief Post Master Generla,
Indian Post, Maharashtra Circle,
2nd Floor, GPO building Mumbai-1.
4. The Post Master General,
Indian Post, Aurangabad Region,
Chavani, Chh. Sambhajinagar
Dist. Chh. Sambhajinagar.
5. The Superintendent of Post,
Post Office Nanded, Dist. Nanded.

...Respondents

Mr. Sunil M. Vibhute, Advocate for the Petitioner.
Mr. R. S. Wani, AGP for Respondent Nos. 1 and 2/State.
Mr. Ravi R. Bangar, Advocate for Respondent Nos. 3 to 5.

CORAM : KISHORE C. SANT &
AJIT B. KADETHANKAR, JJ.

RESERVED ON : 18th JULY 2026.

PRONOUNCED ON : 03rd SEPTEMBER 2026.

ORDER :- [PER:- KISHORE C. SANT, J.]

1. Heard Mr. Vibhute, the learned Advocate for the Petitioner, Mr. Wani, the learned AGP for the Respondent Nos. 1 and 2/State, and Mr. Bangar, the learned Advocate for Respondent Nos. 3 to 5. The petition is taken up for final disposal by consent of the parties at the stage of admission.

2. The present petition arises out of a Judgment and Order dated 04/04/2005 passed by the Respondent No.2/the Scheduled Tribe Certificate Verification Committee Kinwat, Headquarter at Chh. Sambhajinagar (hereinafter referred to as the “**Committee**”), thereby cancelling the tribe validity certificate dated 05/03/2007 and tribe certificate dated 31/07/1987 issued in favour of the petitioner. Further, action is directed against the petitioner under Sections 10 and 11 of the Maharashtra Scheduled Castes, Denotified Tribes (Vimukta Jatis),

Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short "***the Act of 2000***") (Maharashtra Act No. 23 of 2001).

3. The facts in short, giving rise to the present petition, are that, the petitioner claims to be a person belonging to *Mannervarlu* (27), a Scheduled Tribe category. On the strength of tribe certificate, he was appointed to the post of Postal Assistant in Indian Post Department in the year 1987. Since he was appointed against the post reserved for a person belonging to the Scheduled Tribe category, Respondent No. 5/the Superintendent of Post, Nanded, forwarded the tribe claim verification proposal on 31/01/2006 to Respondent No.2/Committee, Aurangabad. The tribe claim of the petitioner was validated by the Committee by its judgment and order dated 05/03/2007. One cousin brother of the petitioner, namely, Amol Gyanoba Palekar, also obtained a validity certificate from Nashik Committee on 20/05/1998. Thereafter, the Aurangabad Committee validated the tribe claims of other cousin brothers of the petitioner, namely, Gyanoba Palekar, Rajaram Kandhare, Balaji Palekar, Namdev Kandhare and cousin sister, namely, Anita

Kandhare. The real brother Sanjay's claim was also validated on 05/03/2007.

4. One Nishikant Rajaram Kandhare appeared in MHT-CET-2018, who happens to be a cousin nephew of the petitioner. His claim came to be invalidated on 09/08/2018. He had filed Writ Petition No.9382 of 2018 in this Court challenging the invalidation of his tribe claim. Vide order dated 10/08/2018, this Court set aside the invalidation and directed the Respondent/Committee to issue a tribe validity certificate. Thereafter, Sartika Balaji Palekar and Sayali Balaji Palekar, the blood relatives of the petitioner, had also filed validity proceeding. However, the Respondent/Committee vide judgment and order dated 26/11/2020 invalidated their tribe claims. They filed Writ Petition No.8417 of 2020 before this Court thereby challenging the said invalidation. This Court by order dated 18/12/2020 directed the Respondent/Committee to issue validity certificates to Sartika Palekar and Sayali Palekar. However, this Court in Writ Petition Nos.9382 of 2018 and Writ Petition No.8417 of 2020, respectively, directed the Respondent/Committee to issue validity certificates in favour of these persons.

5. One niece of the petitioner, namely, Chaitanya Sanjay Palekar, had submitted a proposal for issuance of validity certificate. In her vigilance inquiry report, the report was adverse. Relying upon the said Vigilance Cell report, the Respondent No.2/Committee invalidated the tribe claim of Chaitanya by judgment and order dated 07/07/2022. She also challenged the said invalidation by filing Writ Petition No.8531 of 2022 before this Court. The said invalidation was upheld by this Court by dismissing the writ petition vide judgment and order dated 24/07/2023.

6. In the Special Leave Petition (SLP) filed by the said Chaitanya, the Hon'ble Apex Court protected said Chaitanya only on accepting an undertaking from her father giving up his tribe claim. In that view, the tribe certificate of father of Chaitanya came to be cancelled. The Hon'ble Apex Court, in the case of Chaitanya, though protected her MBBS degree, imposed fine of Rs.5 lakh on the father of Chaitanya. It is thereafter that the case of the petitioner came to be reopened. The petitioner appeared and filed the application before the Committee requesting to keep the proceedings of the petitioner in abeyance till finalization of SLP (C) No. 15099 of 2024 and other companion matters

pending before the Hon'ble Apex Court. The challenge is in respect of the power of the Respondent/Committee to review/recall its orders. However, the Respondent/Committee proceeded further and by way of the impugned judgment dated 04/04/2025, cancelled the certificate granted in favour of the petitioner.

7. Being aggrieved and dissatisfied with the impugned judgment and order dated 04/04/2025 passed by this Respondent/Committee, the petitioner approached before this Court challenging the said order by filing present writ petition.

8. Mr. Vibhute, the learned Advocate for the petitioner, vehemently argued the petition. He submits that, at the outset, the Committee could not have reopened the case of the petitioner, as the Committee does not have the power to review its own judgment. Though this contention was raised before the Committee, the Committee did not accept the same. Since the Special Leave Petition (SLP) concerning the issue of power of the Committee is pending, it was necessary for the Committee not to proceed with the matter. There are many validity certificates granted in

the family and those are intact. The Committee still decided the case after reopening. He relied upon orders passed by this Court in Writ Petition No. 9382 of 2018 in the case of *Nishikant Rajaram Kandhare Vs. The State of Maharashtra and Anr.* and Writ Petition No. 8417 of 2020 in the case of *Sartika d/o. Balaji Palekar and Anr. Vs. The State of Maharashtra and Ors.*, thereby granting conditional validity to the petitioners therein.

9. On merits, he submits that the Committee has wrongly inferred that there is interpolation in the caste column in school record. Though it was specifically contended that the Committee does not have the power to review its own judgment/order, the Committee has wrongly held that there is power to review. He submits that unless the power to review is specifically conferred upon the Committee, no review is maintainable. The Committee erred in holding that the petitioner had obtained the certificate by suppressing the material facts and misrepresented the Committee. Further, the observation that the bogus documents were submitted before the Committee is also not correct. His case needs to be decided on its own merits. In the present case, the cases

of relatives were considered while invalidating the claim of the petitioner. He thus prays that the petition be allowed by quashing and setting aside the impugned order. Committee needs to be directed to issue validity certificate in favour of the petitioner.

10. Mr. Wani, the learned AGP appearing for Respondent/State vehemently opposed the petition. He submits that the Committee has rightly invalidated the tribe claim of the petitioner. In exceptional circumstances, where fraud or misrepresentation is detected, it is open for the Committee to reopen cases. In the present case, it was observed that the petitioner had suppressed the fact of invalidation of his own brother by the Tribe Verification Committee, Pune. The caste claim of the petitioner himself was invalidated by the Committee at Pune on 26/04/1989. The petitioner had preferred an appeal to the Divisional Commissioner. The said appeal was also dismissed on 20/06/1991. By suppressing those facts, the petitioner again submitted a fresh proposal before the Aurangabad Committee on 21/01/2006, and in that, he obtained the validity certificate. His brother had also challenged such invalidation before the Additional Commissioner, Tribal Welfare

Department, Nashik, and the same was dismissed. Both these facts were suppressed. In the case of Chaitanya, the invalidation was confirmed by the Hon'ble Apex Court. He further submits that there is a specific finding recorded by the Committee that the school records of his cousin aunt, namely Anita, cousin uncle, Rajaram Kandhare, and another cousin uncle, namely Sanjeev Palekar, were fabricated. Their caste in the caste column in school records was initially mentioned as "मुनुस्वार", "मुनस्वार" and "मेनूस्वारलू", respectively; however, the word (लू) was added subsequently in different ink at one place, and at other places, by bracketing the word "मुनुस्वार" it was as written (मन्नेस्वारलू) in red ink. Those entries are from the years 1972 to 1977.

11. In support of his submissions, he relied upon the following judgments:

- (i) *Chairman and Managing Director, Food Corporation of India and Ors. Vs. Jagdish Balaram Bahira and Ors.*¹
- (ii) *Superintendent of Post Offices and Ors. Vs. R. Valasina Babu*²;

1 (2017) 8 SCC 670

2 (2007) 2 SCC 335

- (iii) *State of Maharashtra and Ors. Vs. Sanjay K. Nimje*³;
- (iv) *Punjab Urban Planning and Development Authority and Anr. Vs. Karamjit Singh*⁴;
- (v) *Raju Ramsing Vasave Vs. Mahesh Deorao Bhivapurkar and Ors.*⁵;

12. He thus submits that no interference is required at the hands of this Court. He prays for rejection of the writ petition.

13. Learned advocate Mr. Bangar, appearing for Respondent Nos. 3 to 5, also opposed the petition. He submitted that when the claim of the petitioner is invalidated, no benefit can be extended to the petitioner as belonging to a person from the Scheduled Tribe category.

14. This Court has gone through the petition papers and also perused the files of the petitioner and the orders passed by the Committee. This Court has verified the material documents which were produced by the petitioner before this Court.

15. In the case of Chaitanya, a niece of the petitioner, the Hon'ble Apex Court came down very heavily on the conduct of her father,

3 (2007) 14 SCC 481

4 (2019) 16 SCC 782

5 (2008) 9 SCC 54

brother of this petitioner. The Hon'ble Apex Court considered the case of real brother of the petitioner, namely, Rajiv Palekar, whose invalidation was suppressed. It was recorded that in Chaitanya's case false affidavit was filed stating that there was no invalidation in the family. It was only on the peculiar facts and circumstances of that case that the Court granted liberty to the applicant keeping in mind her career. An undertaking was given by the father of the petitioner therein that henceforth, no claim or benefit would be sought as belonging to the Scheduled Tribe. The father was directed to deposit an amount of Rs.5,00,000/- (Rupees Five lakhs) with the National Defence Fund. The petition was thus disposed of. It is thus clear that even the Hon'ble Apex Court recorded that the claim of Rajiv Palekar, the real brother of the petitioner, was invalidated, and that fact was suppressed; and on such grounds, further time was sought by others in the family. This was clearly done by the Hon'ble Apex Court by using power with the Court under Article 142 of the Constitution of India. What is material is the fact that the Hon'ble Supreme Court also confirmed the finding of the Committee and the High Court that a fraud was played in the case of

real brother of the petitioner and niece.

16. In the case of ***Raju Ramsing Vasave*** (supra) and in the case of ***Ketaki d/o Bhumayya Muttepod Vs. State of Maharashtra and Anr.*** passed by this Court in Writ Petition No.11751 of 2025, observed as under:

“35. So far as the second principle, noticed by us, is concerned, there is no dearth of authority. Fraud vitiates all solemn acts. When an order has been obtained by practising fraud on the court, it would be a nullity.

36. In *Ganpatbhai Mahijibhai Solanki v. State of Gujarat and Ors.* [(2008) 3 SCC 556], this Court held:

“It is now a well settled principle that fraud vitiates all solemn acts. If an order is obtained by reason of commission of fraud, even the principles of natural justice are not required to be complied with for setting aside the same.”

It was further observed:

“In *T. Vijendradas and Anr. v. M. Subramanian and Ors.*, this Court held;

27. ...When a fraud is practiced on a court, the same is rendered a nullity. In a case of nullity, even the principles of natural justice are not required to be complied with. [*Kendriya Vidyalaya Sangathan and Ors. v. Ajay Kumar Das and Ors. & A. Umarani v Registrar, Cooperative societies and Ors.*]

28. Once it is held that by reason of commission of a fraud, a decree is rendered to be void rendering all subsequent proceedings taken pursuant thereto also nullity, in our opinion, it would be wholly inequitable to confer a benefit on a party, who is a beneficiary *thereunder*...”

37. In *K.D. Sharma v. Steel Authority of India Ltd. and Ors.* [2008 (10) SCALE 227], this Court opined:

“Reference was also made to a recent decision of this Court in A.V. Papayya Sastry and Ors. v. Govt. of A.P. and Ors. (2007) 4 SCC 221. Considering English and Indian cases, one of us (C.K. Thakker, J.) stated:

22. It is thus settled proposition of law that a judgment decree or order obtained by playing fraud on the Court, Tribunal or Authority is a nullity and non est in the eye of law. Such a judgment, decree or order - by the first Court or by the final Court - has to be treated as nullity by every Court, superior or inferior. It can be challenged in any Court, at any time, in appeal, revision, writ or even in collateral proceedings.’

The Court defined fraud as an act of deliberate deception with the design of securing something by taking unfair advantage of another. In fraud one gains at the loss and cost of another. Even the most solemn proceedings stand vitiated if they are actuated by fraud. Fraud is thus an extrinsic collateral act which vitiates all judicial acts, whether in rem or in personam.”

38. The order dated 11.08.1988, thus, would not operate as a res judicata so as to disable it from considering the merit of the case of the respondent No. 1 by the State of Maharashtra or Maharashtra Pollution Control Board afresh. The decision of the High Court ex facie is unsustainable.

39. We may at this juncture notice some decisions of this Court where the question at hand has been discussed. In *State of Maharashtra and Others v. Ravi Prakash Babulalsing Parmar and Another* [(2007) 1 SCC 80], this Court held:

“23. The makers of the Constitution laid emphasis on equality amongst citizens. The Constitution of India provides for protective discrimination and reservation so as to enable the disadvantaged group to come on the same platform as that of the forward community. If and when a person takes an undue advantage of the said beneficent provision of the Constitution by obtaining the benefits of reservation and other benefits provided under the Presidential Order although he is not entitled thereto, he not only plays a fraud on the society but in effect and substance plays a fraud on the Constitution. When, therefore, a certificate is granted to a

person who is not otherwise entitled thereto, it is entirely incorrect to contend that the State shall be helpless spectator in the matter.

24. We, with respect, fail to appreciate the approach of the High Court as it proceeded on the premise that once the surname of the respondent tallied with the name of the tribe, which finds mention in one or the other entries of the Schedule appended to the 1976 Order, the same must be treated to be sacrosanct and no enquiry in relation to the correctness of the said certificate can be gone into by any committee. The observations and directions of the High Court, in our considered opinion, were not only contrary to the judgments of the Court but also fall short of the ground realities.

25. Mr Arvind Savant, the learned Senior Counsel, would place strong reliance on a decision of this Court in Palghat Jilla Thandan Samudhaya Samrakshna Samithi and in particular paras 18 and 19 thereof, which read as under: (SCC p.365)

“18. These judgments leave no doubt that the Scheduled Castes Order has to be applied as it stands and no enquiry can be held or evidence let in to determine whether or not some particular community falls within it or outside it. No action to modify the plain effect of the Scheduled Castes Order, except as contemplated by Article 341, is valid.

19. The Thandan community in the instant case having been listed in the Scheduled Castes Order as it now stands, it is not open to the State Government or, indeed, to this Court to embark upon an enquiry to determine whether a section of Ezhavas/Thiyyas which was called Thandan in the Malabar area of the State was excluded from the benefits of the Scheduled Castes Order.”

40. In *Addl. General Manager – Human Resource, Bharat Heavy Electricals Ltd. v. Suresh Ramkrishna Burde [(2007) 5 SCC 336]*, this Court held:

“14. In the case in hand the respondent got appointment on 31-5-1982 on a post, which was reserved for a member of Scheduled Tribe. On receiving complaints the employer referred the matter to the District Collector, Nagpur and also to the Scrutiny Committee in March 1991. The subsequent period has been spent in making enquiry and in litigation as the respondent filed three writ petitions. In view

of the principle laid down by this Court we are clearly of the opinion that his services were rightly terminated by the appellant and the High Court was in error in directing his reinstatement. The order passed by the High Court, therefore, has to be set aside.”

41. In *State of Maharashtra & Ors. v. Sanjay K. Nimje* [2007(2) SCALE 214], it was held that a person cannot get a benefit to which he is not otherwise entitled to.”

17. In the case of *Apoorva Nichale Vs. DCCS Committee and ors.* reported at 2010 (6) MhLJ 401, relevant paragraph No.7 and 9 which read as follows:

“7. We thus come to the conclusion that when during the course of enquiry the candidate submits a caste validity certificate granted earlier certifying that a blood relation of the candidate belongs to the same caste as that claimed by the applicant, the committee may grant such certificate without calling for Vigilance Cell Report. However, if the committee finds that the earlier caste certificate is tainted by fraud or is granted without jurisdiction, the Committee may refuse to follow and may refuse to grant certificate to the applicant before it.”

8. -----

“9. In the present case, we find that the committee has disbelieved the petitioners case that she belongs to Kanjar Bhat after calling the school leaving certificate of petitioners father and noticing that the original caste written on it was Thakur and that was subsequently changed to Kanjar Bhat. The committee observed that the caste has been changed without complying with the procedure prescribed by sections 48(e) and 132(3) of Mumbai Primary Education Act. In fact, the caste has been changed on the basis of the affidavit. From the findings of the committee it appears that the committee has observed that the change of caste has been done illegally. Obviously, the committee which decided the caste claim of the petitioners sister did not hold the same view, otherwise it would have refused to grant validity. In the circumstances, we are of the view that the committee which has expressed a doubt about the validity of caste claim of the petitioner and has described it as a mistake in its order, ought not to have arrived at a different conclusion. The matters pertaining to

validity of caste have a great impact on the candidate as well as on the future generations in many matters varying from marriage to education and enjoyment, and therefore where a committee has given a finding about the validity of the caste of a candidate another committee ought not to refuse the same status to a blood relative who applies. A merely different view on the same facts would not entitle the committee dealing with the subsequent caste claim to reject it. There is, however, no doubt as observed by us earlier that if a committee is of the view that the earlier certificate is obtained by fraud it would not be bound to follow the earlier caste validity certificate and is entitled to refuse the caste claim and also in addition initiate proceedings for cancellation of the earlier order. In this view of the matter, we are of the view that the petition must succeed. Rule is made absolute in above terms. The Caste Scrutiny Committee is directed to furnish the caste validity certificate to the petitioner.”

18. In the case of *Dalip Singh Vs. State of Uttar Pradesh* (supra) paragraph 1 reads as under:

“1. For many centuries, Indian society cherished two basic values of life i.e., ‘Satya’ (truth) and ‘Ahimsa’ (non-violence). Mahavir, Gautam Buddha and Mahatma Gandhi guided the people to ingrain these values in their daily life. Truth constituted an integral part of justice delivery system which was in vogue in pre-independence era and the people used to feel proud to tell truth in the courts irrespective of the consequences. However, post-independence period has seen drastic changes in our value system. The materialism has over-shadowed the old ethos and the quest for personal gain has become so intense that those involved in litigation do not hesitate to take shelter of falsehood, misrepresentation and suppression of facts in the court proceedings.”

19. So far as the judgment in the case of *Chairman and Managing Director Food Corporation Of India and Ors.* (supra) is concerned, it is

clear that no person can retain the benefits secured on the basis of a false claim. Once the certificate is cancelled or invalidated, the person has to face action under Sections 10 to 11 of the Act, 2000.

20. In the case of *Superintendent of Post Offices and Ors. Vs. R. Valasina Babu*, paragraph No.13 and 14 reads as under:

“13. In the aforementioned situation, we see no reason as to why the inquiry officer or for that matter disciplinary authority could not have taken into consideration the subsequent event. Moreover, as noticed hereinbefore, the disciplinary authority had given another opportunity of hearing and the respondent availed the same. He also preferred an appeal against the order of the disciplinary authority. In this view of the matter, the Tribunal as also the High Court, in our opinion, committed a manifest error of law in allowing the Original Application filed by the respondent on the premise that the said order dated 18.11.1990 passed by the Collector should not have been taken into consideration by the Disciplinary Authority or by the Appellate Authority.

14. The question in regard to effect of obtaining appointment by producing false certificate came up for consideration in State of Maharashtra & Ors. Vs. Ravi Prakash Babulasing Parmar and Anr., (2006) 10 SCALE 575, wherein this Court opined that the concerned authorities would have jurisdiction to go into the said question and pass an appropriate order. The effect of cancellation of such Caste Certificate had also been noticed in the light of two Judge Bench decision of this Court in Bank of India & Anr. Vs. Arinash D. Mandirkar & Ors., [2005] 7 SCC 690, wherein it was held that if the employee concerned having played fraud in obtaining an appointment, he should not be allowed to get the benefits thereof, as the foundation of appointment collapses.”

21. In the case of *State of Maharashtra and Ors. Vs. Sanjay K. Nimje* (supra), it was held that a person cannot get a benefit to which he is not otherwise entitled to. Paragraph No.16 reads as under:

“16. The 2000 Act being a legislative Act would prevail over any Government Resolution. A Government Resolution may be beneficial in nature but it is well-settled that a benefit under a Government Resolution cannot be extended to a person who does not satisfy the conditions precedent thereof. In any event, the effect of the judgment of this Court as also the provisions of a statute in the light of the constitutional provisions contained in Article 341 and 342 of the Constitution of India cannot be diluted by reason of a Government Resolution or otherwise.”

22. In the case of *Punjab Urban Planning and Development Authority* (supra), it was held that if the appointment itself is illegal, then such defect goes to the root of the matter. When such a person has absorbed as a regular employee, he cannot be considered to be an employee and would not be entitled to any benefits under the regularization given to the employees of the appellate authority. In that case, the High Court had protected the services of the employees. It was further held that when the employee is not a valid employee of the authority and does not hold a civil post under the State Government, he was merely a daily wager on the muster rolls of the appellant authority. No departmental

inquiry is necessary in such cases.

23. In the present case, it is clearly observed in the judgment of the Committee that initially the petitioner had obtained the caste certificate on 31/07/1987 from Tahsildar Nanded. The Pune Committee on 26/04/1989 had clearly held the claim to be invalid. Against that, the petitioner had approached the Additional Commissioner, Tribal Welfare Department, Nashik. The said appeal also came to be dismissed by judgment and order dated 19/06/1991. However, he again by suppressing the earlier invalidation, submitted caste validity proposal on 21/01/2006 and obtained validity certificate. Similar was the fact in the case of his real brother namely, Sanjay Palekar. Since this fraud was detected, the case of the petitioner was reopened. His real brother's daughter namely, Chaitanya also suffered invalidation. The said order attained finality till the Hon'ble Apex Court. The Hon'ble Apex Court has considered the case of Sanjay as well. It is thus clear that there was a fraud committed. False affidavit was filed while obtaining the validity certificate.

24. In the case of cousin aunt namely, Anita, the caste was written in the school as “मुनुरवार” subsequently word (लू) is added in different ink so far as admission dated 14/07/1976 is concerned.

25. In the case of Rajaram Kandhare and Sanjiv Palekar is concerned, they were admitted to the school where the caste was written as मुन्नरवार and मुनुरवाड, respectively. Later on, it was bracketed and caste was written as "मन्नरवारलू". Thus, this entries were considered by the Committee. The Court also considered the case of Sartika Balaji Palekar, wherein the entries of 1951 was considered and the report was given by the Vigilance Cell Committee wherein the caste of one Laxman, Tukaram, Vitthal and Gyanoba, who happens to be grand sons of said Sarthika, were shown as "मुनुरवाड" in the census report. The same was with one Chandrabai and Nagabai, who were the aunts of her father. Their caste was also shown as "मुनुरवाड" in 1951 census. The Committee in the judgment also considered the judgment in the case of ***Rajesh Baburao Bone Vs. the State of Maharashtra and Ors.***⁶.

26. In the present case fraud is played by the petitioner as is clear from record. His niece's claim is invalidated and that has attained finality till the Hon'ble Supreme Court.

27. Considering above, this Court finds that no case is made out by the petitioner calling for interference at the hands of this Court. As stated above, though it is prayed that the petitioner has rendered long service in the department and his services be protected. This Court finds that the said cannot be done in view of judgment in the case of *Punjab Urban Planning and Development Authority* (supra). No inquiry was also to be held to be done when appointment is shown to have been outcome of fraud.

28. Considering all above, this Court finds that no case is made out to allow the writ petition. Writ petition stands dismissed and disposed off accordingly.

[AJIT B. KADETHANKAR, J.]

[KISHORE C. SANT, J.]