

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

WRIT PETITION NO. 5456 OF 1999

Uttam Manikrao Mane

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri S. B. Talekar, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 to 3.

Shri M. N. Nawandar, Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 28TH APRIL, 2015.

PER COURT :

. Mr. Talekar, the learned counsel for the petitioner states that, the petitioner had joined the service in the year 1981 and was promoted in the year 1987 as Assistant Professor. The caste claim of the petitioner is invalidated on 15.09.1999. The petitioner was reverted to the basic post. The petitioner retired on 31.03.2012. According to the learned counsel, no proper opportunity has been given by the Committee while invalidating the caste claim of the petitioner. According to the learned counsel, even the report of the vigilance has not been forwarded to the petitioner. The learned counsel submits that, if opportunity would have been given to the petitioner, the

petitioner would have been in a position to prove his case. Only on the basis that in the school record of the petitioner the caste is recorded as Teli, the Committee has arrived at erroneous conclusion.

2. We have heard the learned Additional Government Pleader for respondent/Committee and Mr. Nawandar, the learned counsel for the employer/respondent Nos. 4 and 5. The learned counsel for respondent Nos. 4 and 5 submits that, after the caste claim of the petitioner was invalidated, the petitioner was reverted to his basic post. After retirement of the petitioner, the petitioner is given retiral benefits and the pension is also paid to him, considering the fact that, the petitioner as having retired on basic post.

3. We have considered the arguments canvassed by the learned counsel for respective parties and we have also gone through the judgment of the Committee.

4. The Committee has found that the petitioner does not belong to Lingder caste. There is no document worth the name to prove the same. It appears that, the petitioner was given lower post by the employer. On attaining age of superannuation the petitioner has retired from service. The petitioner cannot take benefit of his own wrong. Considering the fact that, the

petitioner is now been paid with pension, we are not entering into the legality of the findings of the Committee. The writ petition accordingly is disposed of. Rule discharged. The judgment and order of the Committee is upheld and confirmed. No further adverse action be taken against the petitioner as far as service benefits which are already given to the petitioner are concerned. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15