

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

LETTER PATENT APPEAL NO.72 OF 2013

Ashok s/o Waman Deokar

Appellant -Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. Prakash Paranjape advocate for the petitioner

Mr. P.S.Dighe, AGP h/f

Mr. V.R.Dhorde advocate for Respondent No.2 & 3

Mr. P.P.More, AGP for respondent Nos. 1 & 4

CORAM : R.M. BORDE &
P.R. BORA, JJ

Dated : 9th February, 2015.

PER COURT :-

1 The appellant is taking exception to the order passed by the learned single Judge dismissing the Review Petition No.349/2012 by an order dated 31.1.2013. The petitioner, initially presented an appeal to the School tribunal challenging the order of termination. The appeal came to be dismissed on consideration of record presented by the respondent management that the appointment of the appellant is as against reserve category. On dismissal of the appeal, writ petition was presented to this Court. Writ Petition came to be dismissed and the said order of dismissal has been confirmed by the Apex Court. In the year 2010 after receipt of certain information from the B.C. CELL, the appellant again

approached School Tribunal with an appeal along with application, seeking condonation of delay of about 15 years. The application came to be rejected against which writ petition was presented bearing No.7396/2012 which also came to be dismissed. The petitioner challenged the order of dismissal of writ petition in review petition No. 349/2012 which is also rejected by this Court.

2 Learned single Judge has observed, while rejecting the review application that, the school tribunal on consideration of the record produced from the BC cell, had concluded that the appointment of the petitioner was on a reserved post and letter of termination issued to him also states that fact. In view of the confirmation of the order passed by the school tribunal, by the High Court as well as by the Apex Court, there is finality attached to the proceedings. A fresh appeal came to be presented by the appellant after lapse of 15 years raising the contentions, contrary to the stand taken by the management. The learned single Judge has recorded in the order that, in order to examine the contentions of the petitioner, evidence in respect of genuineness of the certificate will have to be scrutinized, which course after lapse of 15 years would not be prudent. The order passed by the school tribunal, confirmed by the single Judge in writ petition as well as in the review application do not call for any interference in

exercise of powers conferred under Letters Patent.

3 Learned counsel for the petitioner has placed reliance in the matters of **Devendra Gurunath Khedgikar V/s Scheduled Tribe Certificate Scrutiny Committee** reported in 2009 (3) Mh.L.J.433 and **Apoorva d/o Vinay Nichale V/s Divisional Caste Certificate Scrutiny Committee No.1 and others** reported in 2010 (6) Mh.L.J.401, In view of the facts stated above, the ratio laid down in the authorities cannot be made applicable to the case of the appellant.

4. The LPA is devoid of any substance and stands dismissed.

(P.R. BORA, J)

(R.M.BORDE, J)