

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.2762 OF 2002

Bhaskar Ramji Koli,
age: 52 years, Occ: service,
R/o Shastrinagar,
Behind Batwal Guest House,
Chalisgaon, District Jalgaon.

Petitioner

Versus

01 The State of Maharashtra

02 The Scheduled Caste Certificate
Scrutiny Committee, Nasik,
Nasik.

03 The Taluka Executive Magistrate,
Chalisgaon, District Jalgaon.

04 The Collector and
District Magistrate,
Collectorate, Jalgaon.

05 Chalisgaon Education Society,
Chalisgaon, District Jalgaon,
through its Secretary.

06 Shri Namdeo s/o Dagdu Marathe,
age: 60 years, Occ: Pensioner,
R/o Near Blind School,
Viddullata Colony, Kargaon Road,
Chalisgaon, District Jalgaon.

07 Ramkrishna s/o Ganpat Wani,
age: 53 years, Occ: Head Master,
R/o A.B.Boys' High School,
Chalisgaon, Tal. Chalisgaon,
District Jalgaon.

Respondents

Mr.Madhur A. Golegaonkar, advocate with Mr.A.S.Golegaonkar, advocate for the petitioner.

Mr.S.B.Pulkundwar, A.G.P. for Respondents No.1, 3 and 4.

Mr.A.B.Tele, advocate for Respondent No.2.

Mr.P.R.Patil, advocate for Respondent No.7.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 05th January, 2016

ORAL JUDGMENT (Per R.M.Borde, J.):

1 The petitioner claims to belong to Malhar Koli, a Scheduled Tribe. He was appointed as Assistant Teacher with Respondent No.5-Education Society as against a seat earmarked for Scheduled Tribe category.

2 It is informed that the petitioner has already retired from service on attaining age of superannuation. Learned Counsel appearing for the petitioner, on instructions, informs that the petitioner does not want to object to the decision rendered by the Scrutiny Committee and accepts the same. The petitioner shall not be entitled to claim any benefits as a member belonging to Scheduled Tribe, of the schemes formulated by the State Government.

3 Since petitioner has accepted the decision of the Scrutiny Committee, the order impugned in the petition need not be scrutinised by evaluating merits or demerits of the matter.

4 Petitioner claims that since he stood retired on attaining age of superannuation, the pensionary benefits, which he

has earned by virtue of his continuous employment with Respondent-Education Society, deserve to be released forthwith. Apart from this, on perusal of the order passed by the Scrutiny Committee, we do not notice any allegation in respect of fraud or interpolation of documents attributable to the petitioner. Considering ratio laid down by the Full Bench in the matter of **Arun s/o Vishwanath Sonone Vs. State of Maharashtra & others**, reported in 2015 (1) Mh.L.J. 457, reasonable request made by the petitioner deserves to be accepted. Concerned Respondents are directed to release pensionary benefits receivable by the petitioner forthwith.

5 Rule stands discharged. There shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE