

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9689 OF 2012

Jalindar Baburao Nannaware

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. Mr. S.S. Kazi advocate for the petitioner
Mr.S.K Kadam, AGP for Respondent No.1 to 3
Mr. M.L. Jadhav advocate for respondent No.4
Mr. M.S. Bhosale advocate for respondent No.5

CORAM : R.M. BORDE &
A. I. S. CHEEMA, JJ.

Dated : 11th JANUARY, 2016.

PER COURT :-

1. The petitioner is objecting to the order passed by the District Rehabilitation Officer, Beed on 2.11.2012, cancelling the Project Affected Category Certificate issued in favour of the petitioner and the subsequent order issued by the Zillha Parishad, cancelling the appointment of the petitioner.

2 The petitioner, on the strength of the Project Affected Persons Category Certificate issued on 1.7.2005 secured employment as a contractual Gramsavek with the Zillha Parishad,

Beed in the year 2012. A complaint was made by one Mr. Syed Shakil Jamdar to the Collector making grievance that, the certificate issued in favour of the petitioner, is forged and fabricated and deserves to be set aside. An enquiry was conducted in pursuance to the complaint received and the District Rehabilitation Officer, noticing that the certificate has been issued in irregular manner and on placing reliance on the forged and fabricated document, directed cancellation of the certificate. Consequently the Zillha Parishad withdrew the appointment of the petitioner.

3 It has been brought to our notice that the father of the petitioner along with 20 other persons purchased 70 R land out of 4 Hectors and 10 R from Survey No.343 situate at village Kadsambar, Tq. Dist. Beed by way of execution of a sale deed on 8.6.2005. All the purchasers have purchased about 4 gunthas land each. A notification under section 4 for acquisition of the aforesaid land for construction of percolation tank came to be issued on 24.6.2005. It thus appears that, immediately after purchase of the property, an application was moved for issuance of Project Affected Category Persons certificate and the same came to be issued on 1.7.2005. It is pertinent to note that, the date of issuance of Section 4 Notification is 24.6.2005 and within a period

of one week thereafter, the Project Affected Persons Category certificate was issued. The certificate has been issued before passing of the final Award in the matter. It is informed that, even as on today, the Award has not been declared. It is thus obvious that, the certificate has been issued in an irregular manner. It is further pointed out in the affidavit in reply filed on behalf of respondent No.3 that, the 7/12 extract depicting the name of the petitioner, presented to the Rehabilitation Officer was forged and fabricated document. It is revealed from the record received from the Tahsildar that, the 7/12 extract is forged and fabricated document. It thus appears that, relying upon the forged and fabricated documents, the certificate has been issued, which has been rightly cancelled. The petitioner points out that, apart from the petitioner, there are several other persons, who have secured employment as Project Affected Persons category candidates, on the basis of such certificates.

4 We direct the State as well as the Zillha Parishad to conduct a thorough investigation in respect of the appointments secured under the category of project affected persons, relying upon the certificates issued by the District Rehabilitation Officer and if it is found that, the employment has been secured in irregular manner, relying upon the forged and fabricated certificates, appropriate

action shall be taken against, not only the employees who have secured employment, but also those, who are instrumental in issuance of such certificates.

5 In view of above, we do not find any substances in the writ petition and the writ petition stands rejected. Pending Civil Applications, do not survive and stand rejected.

6 At this stage, counsel appearing for the petitioner seeks leave to withdraw the petition. Leave granted. Petition stands disposed of as withdrawn. However, the directions issued against the State Government and the Zillha Parishad shall have to be complied with.

(A. I. S. CHEEMA, J)

(R.M.BORDE, J)