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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 5062 OF 2014

Anis Ahmed Jamadar ... Petitioner
Vs.
The State of Maharashtra and anr. ... Respondents

Mr. Sandeep Dere for the Petitioner.
Mr. V.B. Thadani, AGP for the State-Respondents.

CORAM : V. M. KANADE, AND
M. S. SONAK, JJ.
DATE : JULY 26, 2016.

P. C.

1] The petitioner challenges the judgment and order dated 17 July 2013 made by Maharashtra Administrative Tribunal (MAT), Mumbai in Original Application No. 931 of 1995 and Miscellaneous Application No. 493 of 2011 made therein.

2] The petitioner's entire case is based upon the alleged inclusion of his name in the Government's Order dated 9 March 1999, regularising the services of 238 employees, in terms of directions issued by the MAT. The petitioner claims that his name appears at serial No.48 of the list dated 9 March 1999.

3] Mr. Sandeep Dere, learned counsel for the petitioner, has reiterated the contention that the petitioner's name appears at serial No.48 in the list dated 9 March 1999. Mr. Dere submits that such

regularisation has not only attained the finality, but further same stands recognized by orders made by the MAT and this Court in the proceedings instituted by the petitioner questioning his transfer from Pune to Gadhinglaj. In these circumstances, Mr. Dere submits that the MAT was not justified in revisiting the issue of regularisation or determining whether the petitioner was at all eligible for regularisation. On this ground, Mr. Dere seeks setting aside of the impugned judgment and order and applies for the reliefs as claimed in Original Application No. 931 of 1995 and Miscellaneous Application No. 493 of 2011 made therein.

4] We have perused the record. We agree with the view expressed by the MAT that the petitioner is attempting to take undue advantage of the similarity of the name as appears at serial No.48 in the list dated 9 March 1999. The MAT, has rightly held that the petitioner's name is Anis Ahmed Jamadar, but the name in the list is that of A.S. Jamadar. Further, the date of birth also does not tally with the correct date of birth of the petitioner. There is discrepancy with regard to the date of initial appointment as well. These are all findings of facts and there is really no case made out by the petitioner to warrant interference with the same.

5] The MAT has noticed several other discrepancies, for which, the petitioner had no valid explanation. For example, there is this issue of unauthorised absence of the petitioner, consequent upon,

his transfer to Gadhinglaj. There is also the issue of petitioner not fulfilling the eligibility criteria in the matter of recruitment or regularisation. The MAT, in considering these aspects, cannot be said to have exceeded jurisdiction. The MAT has examined these aspects primarily with a view to determine as to whether the petitioner's name really appears in the list of regularised candidates. If the record is perused, the discrepancies are substantial.

6] The MAT has also observed that during pendency of Original Application No. 931 of 1995, the petitioner on 8 August 2011, had offered to produce documents in support of his contention that in fact, his services had been regularised. However, despite several opportunities, the petitioner failed to produce such material. The MAT has disbelieved the case of “*typographical error*” as put-forth by the petitioner. The MAT has observed that this was not a case of mere typographical error in the name, but several other particulars are also do not match.

7] For all the aforesaid reasons, we are satisfied that the impugned judgment and order warrants no interference. This petition is accordingly, dismissed. There shall however, be no order as to costs.

[M. S. SONAK, J.]

[V. M. KANADE, J.]