

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

WRIT PETITION NO. 6059 OF 2016

MUNIR HABIB SHAIKH
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Urgunde Suhas P.
AGP for Respondents/ State : Shri P.S.Patil.
Advocate for Respondent 3 : Shri Hon A.V.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 05th July, 2017

PC.:

1 After having heard the Petitioner's Advocate, we do not find that we should interfere with the findings of fact rendered by the Scrutiny Committee.

2 On perusal of the petition and all its annexures including the copy of the impugned order, we have no doubt in our mind that the Scrutiny Committee has approached the matter by applying correct legal principles. It was empowered by law to verify and scrutinize the claim. In that process, each and every document produced for perusal of the Scrutiny Committee has been perused carefully and bearing in mind the impact on the career of the Petitioner. Once the Scrutiny Committee found that the primary documents and in relation to the Petitioner's father and

near relatives reveal that there has been interpolation or tampering with the entries and particularly against the caste column, then, all the more, we are disinclined to interfere in the writ jurisdiction.

3 Though the Petitioner now has another document in the form of the sale deed and transaction evidencing sale executed by his grandfather and in this document or deed, the caste is mentioned as “Bhangi”, will not improve the Petitioner’s case. Even if this document was not before the Scrutiny Committee and brought before us, still we will have to keep the same side by side with other documents such as school records and school admission register. These documents in relation to the Petitioner’s father reveal that an attempt is made to score off the original entries or add something therein.

4 In such circumstances, no discretionary and equitable relief can be granted to such Petitioner. The findings of fact and particularly the reasoning at pages 40 and 41 of the paper book, enable us to dismiss this Writ Petition. It is dismissed.

5 Once the Writ Petition is dismissed, interim protection cannot survive. The interim order is vacated.