

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

CIVIL APPLICATION NO.11015 OF 2017
(Prabhakar Shahadu Koli Vs. MSRTC and another)
IN
WRIT PETITION NO.5743 OF 2004

Mr.S.R.Patil, Advocate for the applicant.

Mr.M.K.Goyanka, Advocate for respondent Nos. 1 and 2.

(CORAM : RAVINDRA V. GHUGE AND
SUNIL K. KOTWAL, J.J.)

DATE : 05/12/2017

PER COURT :

1. We have heard the learned Advocates for the respective sides. The applicant, who was original petitioner No.7 in WP No.5743/2004, suffered the order of this Court on 21/09/2004 by which this Court, while issuing notice before admission, dismissed the said writ petition to the extent of petitioner Nos. 2 to 9. The petition, therefore, survived only as against petitioner No.1 namely Ramchandra Baburao Sapkale.

2. Over a period of time, this petition No.5743/2004 was taken up for final hearing alongwith WP No.1801/2004 which involved identically situated petitioners. By judgment dated 06/05/2005, this Court has dismissed both the petitions with certain observations which include the conclusion that these petitioners had obtained bogus caste

certificates and secondly, their terminations on the basis of false caste certificates, were justified.

3. The applicant Prabhakar Shahadu Koli submits that since the earlier order dated 21/09/2004 led to the dismissal of his petition to the extent of petitioner Nos. 2 to 9, there was no reason for this Court to mention the names of those petitioner Nos. 2 to 9 which includes this applicant, in paragraph No.1 in the judgment dated 06/05/2005. It is, therefore, prayed that the name of Prabhakar Koli be deleted from the judgment dated 06/05/2005.

4. After considering the above submissions and upon hearing Mr.Goyanka, learned Advocate for the respondents, we find that the name of the petitioner appeared in the cause title of WP No.5743/2004 and therefore notwithstanding the dismissal of his petition by order dated 21/09/2004, his name is reproduced in the cause title sheet of the judgment.

5. It also cannot be ignored that the petition filed by this applicant was dismissed because this Court do not find any merit in his claim and reliefs sought. By the dismissal of his petition, all the prayers put forth by this applicant Prabhakar Koli have been rejected and it is obvious that he cannot make a claim on the lines of the same prayers before any

other authority until the order of this Court dated 21/09/2004 is set aside by the Hon'ble Supreme Court. There is no dispute that this applicant Prabhakar has not carried the order dated 21/09/2004 before the Hon'ble Supreme Court and the said order has therefore attained finality.

6. In so far as the contention of the learned Advocate for the respondents that the dismissal of WP No.5743/2004 and rejection of the prayers of this applicant Prabhakar Koli have been suppressed while filing complaint (ULP) No.39/2012 before the Labour Court, is concerned, it is informed that the said issue is a subject matter of RA No.267/2016 before the learned Single Judge. Mr.Goyanka, is therefore, at liberty to point out this aspect before the learned Single Judge in the said pending review petition.

7. Considering the above, this civil application is disposed of since the name of the applicant Prabhakar appears in the judgment going by the cause title of the petition paper book. Dismissal of the petition as against petitioner Nos. 2 to 9 in WP No.5743/2004 would not call for a deletion of the names from the petition paper book.

(SUNIL K. KOTWAL, J.)

(RAVINDRA V. GHUGE, J.)