

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9368 OF 2013

Smt. Jayashree D/o Murlidhar Pawar @
Jayashree W/o Mohan Konde

.... Petitioner

Vs.

The State of Maharashtra & Others

.... Respondents

None for the Petitioner.

Mr. B.V. Samant, AGP, for the Respondent-State.

CORAM: S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.

DATE : NOVEMBER 13, 2017

P.C:

1. The petitioner and his Advocate both are absent. The writ petition is filed in this Court as early as on 4-10-2013. The challenge is to an order passed by the Scrutiny Committee dated 24-11-1997. We are unsure as to how such an order and which culminates into a letter dated 26-9-2013 could have been challenged so belatedly.

2. It is only because of this communication of

26-9-2013, seeking to do away with the petitioner's certificate because of invalidation of the claim, that this Court was persuaded to pass an ad-interim order. The petitioner's petition was placed before this Court after it was made over from the Bench at Aurangabad. On 16-1-2014, the following order was passed:-

“1 Notice returnable on 27 February 2014.

2 Considering the fact that the Petitioner was in service on the basis of Certificate since 1 June 1995, though her caste was invalidated but no steps taken till the impugned order which is based upon the Government Resolution dated 18 May 2013. Therefore, at this stage, considering the averments, we are inclined to protect the services. Therefore, no coercive steps against the impugned order.”

3. This order cannot continue as it flies in the face of the binding Judgment of the Hon'ble Supreme Court of India in the case **Chairman and Managing Director, Food Corporation of India and others v. Jagdish Balaram Bahira and others**, reported in (2017) 8 SCC 670. The petition is, therefore, dismissed.

(SMT. BHARATI H. DANGRE, J.)

(S.C. DHARMADHIKARI, J.)