

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

WRIT PETITION NO.9028 OF 2013

Kumari Yashoda Chander Rajgirwad ... Petitioner.

Versus

The State of Maharashtra
and others ... Respondents.

....

Mr. Aanandsing Bayas, Advocate for the Applicants.
Mr. M.M. Nerlikar, A.G.P. for State

....

**CORAM : T.V. NALAWADE &
SUNIL K. KOTWAL, JJ.**

DATED : 26th FEBRUARY, 2018

PER COURT:-

1. Both sides are present. Learned A.G.P. produce on record a copy of Civil Appeal No.8928/2015 (Chairman and Managing Director FCI and Ors. Vs. Jagdish Balaram Bhahira and Ors) decided on 06.07.2017. The Apex Court has laid down that when the employee fails on the caste claim, all the benefits taken by the such person need to be forfeited-withdrawn. In the present matter also, the petitioner had got a post on the basis of her caste claim that she belongs to Scheduled Tribe category. The Caste Scrutiny Committee has held that the petitioner was not of that category as many as that decision upheld up to the Supreme Court. The employer has issued order of termination. That order is not challenged.

2. In view of the ratio of aforesaid case cited by the learned A.G.P., no relief can be granted to the Petitioner. The Writ Petition stands dismissed.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

SPR