

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

**CIVIL APPLICATION NO. 12588 OF 2012
WITH
REVIEW PETITION (STAMP) NO. 22389 OF 2012**

Satish Ramchandra Salunke

Applicant

Versus

The State of Maharashtra and others

Respondents.

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

Mr. A.V. Deshmukh, A.G.P. for the State.

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

Dated : 19.01.2018.

ORDER :-

1. The application is filed for review of the decision given by this Court in Writ Petition No. 3952/2009. This Court had dismissed the Writ Petition filed by the present applicant in which there was challenge to the order made by Caste Scrutiny Committee. This Court had also made it clear that due to the decision given by the Caste Scrutiny Committee, the consequences need to follow.

2. In the present matter, the applicant has prayed for the relief like protecting his service period though his caste claim is rejected.

3. In the past, there were few decisions of the Apex Court in which the Apex Court had protected the services. Recently the Apex Court has taken a clear view in the case reported as **2017 AIR (SC) 3271 (Chairman and Managing Director, Food Corporation of India and others Vs Jagdish Balaram Bahiram and others)** and held that when there is positive provision under Section 10 of the Maharashtra Scheduled Castes and Scheduled Categories (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 which provides for taking away all the benefits which were obtained on the basis of false, invalid caste certificate, no Court is expected to give protection of such kind. In view of this circumstance, this Court holds that the protection cannot be given by this Court.

4. Learned Counsel for the applicant submitted that he now wants to make amendment in the application to see that he is able to seek the review of entire decision on merits. That will be outside of scope of review petition and so such prayer cannot be considered.

5. As nothing remains in the present proceeding and the proceeding was of aforesaid nature, this Court holds that it is liable to be dismissed.

6. The proceeding is dismissed.

7. The Civil Application is disposed of.

(SUNIL K. KOTWAL)
JUDGE

(T.V. NALAWADE)
JUDGE

vdd/