

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
903 REVIEW APPLICATION (ST) NO.30306 OF 2018
IN
WRIT PETITION NO.14913 OF 2017**

VISHWANATH VENKATI BEJGAMWAR ..APPLICANT

VERSUS

THE STATE OF MAHARASHTRA THROUGH THE COLLECTOR
NANDED ..RESPONDENT

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Mr. Pravin V. Suryawanshi , Advocate for the
Applicant.

Mrs. M. A. Deshpande, AGP for Respondent-State.

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**CORAM : S. V. GANGAPURWALA &
SUNIL K. KOTWAL, JJ.**

DATED : 30th NOVEMBER, 2018.

PER COURT:-

1. Mr. Suryawanshi, learned counsel for the applicant submits that this Court has overlooked the statement of Circle Inspector in departmental enquiry and thereby has committed an error apparent on the face of record. The Circle Inspector has also given statement about the disputed Survey No.37/4/2.

2. The learned counsel submits that the applicant had submitted the certified copy of the 7/12 extract of survey no.37/4/1, which is still in existence. The applicant has not submitted the 7/12 extract of survey no.37/4/2, which is not in

existence. If the applicant created two parts that is survey no.37/4/1 and survey no.37/4/2, then both parts of 7/12 extract should be available on revenue record or both should be deleted from revenue record. These aspects has not been considered.

3. The learned A.G.P. supports the order passed.

4. We had confirmed the order of the Tribunal. The Tribunal in turn has confirmed the order of the Disciplinary Authority removing the applicant from service. It was found in the enquiry that the applicant was a Talathi who had carved out Gut No.37/4/2, which was not in existence and 7/12 extract of the same was also prepared. The Disciplinary Authority had considered the said aspects while passing the order. We had considered the observations of the Tribunal, those were not perverse and we had observed as under:

“It has been observed that the Departmental Enquiry was initiated. The petitioner did not give any statement in defence in the Departmental Enquiry. Old Record of Rights and Record of Rights after consolidation of land holdings were examined by the Collector in great detail. The Tribunal has observed as under:

It was held that the applicant had issued 7/12 extract of S.No.37/4/2 to Nivruti against the rules and the order of removal

of service was upheld. The order of Divisional Commissioner, is also reasoned order and the issue raised by the Applicants have been discussed. It is held that:-

The S.D.O. had rejected the contentions of the appellant after recording the evidence of Gopalrao also, who had pointed out that the P.O.R. pertaining to S. No.37/4/1 and S.No. 37/4/2 were not in his hand writing. The S.D.O. held that there was no mutation in respect of S. No.37/4 during the tenure of Gopalrao as Talathi in Choundi Saza. He has further held in his order dated 8.12.1977 dismissing appellant that appellant himself introduced 2 new S. Nos. i.e. S. Nos.37/4/1 and 37/4/2 in the P.O.R. and subsequently without any order of a competent authority in respect of the mutation entry he has given a copy of 7/12 extract of the suit land to Nivrutti Ibra."

5. Considering the above, there is no error apparent on the face of record.

6. Review Application is dismissed. No costs.

(SUNIL K. KOTWAL)
JUDGE

(S. V. GANGAPURWALA)
JUDGE