

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12519 OF 2015

Mangesh Madhukar Kunabi

....Petitioner

V/s.

State of Maharashtra and Ors.

.....Respondents

* * * * *

Mr. K.N. Kandekar, Advocate for the petitioner.

Mrs. R.A. Salunkhe, AGP for the respondent-State.

*Coram : A.S. Oka, &**Sandeep K. Shinde, JJ.**Monday, 17th December, 2018.***P.C. :**

1. Heard learned Counsel for the petitioner. The petitioner was appointed with the second respondent-Bank as a Peon on the post reserved for Scheduled Tribe. The petitioner claims on the basis of the Caste Certificate dated 21st August, 1996 that he belongs to a Scheduled Tribe. By a reasoned order dated 24th December, 1999 the Committee for Scrutiny and Verification of Tribes claims held that the petitioner has failed to prove his tribe claim and therefore, the Caste Certificate issued to the petitioner was ordered to

be cancelled. By the order dated 22nd March, 2000, the Deputy General Manager of the second respondent directed that the petitioner will cease to be in service on account of submission of a false Caste Certificate. On 3rd August, 2007 the petitioner made a representation to the General Manager of the second respondent on the basis of Caste Certificate dated 19th July, 2007 that he belongs to special backward class. He claimed reinstatement. By the communication dated 7th August, 2007 (Exhibit-D), the petitioner was informed by the second respondent that his representation stands rejected. The present petition has been filed on 22nd January, 2016 for challenging the order of termination passed against the petitioner way back on 22nd March, 2000. As stated earlier, seven years thereafter, on 3rd August, 2007, the petitioner applied for reinstatement which prayer was rejected by communication dated 7th August, 2007.

2. The order of termination dated 2nd March, 2000 is sought to be challenged by filing the present petition on 2nd December, 2015 after a lapse of more than 15 years from the date of order of termination. Even the representation of the

petitioner was rejected long back in the year 2007. The learned Counsel appearing for the petitioner invited our attention to the averments made in paragraph-9 of the petition. Taking the averments made in paragraph-9 as correct, the same does not constitute any justification for the delay of more than 15 years. Now it is too late in the day to rely upon the Government Resolution dated 21st October, 2015. Moreover, there is a serious doubt whether the said Government Resolution will bind the second respondent-Bank. Hence, no case for interference is made out. The petition is rejected.

(SANDEEP K. SHINDE, J)

(A.S. OKA, J)