

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

60 WRIT PETITION NO.10820 OF 2018

SHESHRAO TUKARAM GAIKWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner: Mr Chavan Sudhir K.

Addl.GP for Respondents: Mr P.S. Patil

Advocate for Respondent No.4 : Mr. Navandar Manish N.

**CORAM : S. V. GANGAPURWALA &
A. M. DHAVAL, JJ.**

DATE : 15th April, 2019

PER COURT :

1. Mr. Chavan, the learned advocate for the petitioner submits that the order dated 02.12.2017 issued by respondent No.4 is illegal. The petitioner was issued with Project Affected Persons Certificate (PAP Certificate). House bearing No.96 of the petitioner's ancestor was acquired for the Agricultural University in the year 1985. The petitioner was issued with the PAP Certificate in the year 1989. Claim of the petitioner was rejected on the erroneous ground that uncle of the petitioner Sakharam Gangaram Gaikwad is given appointment from Project Affected Persons Category on 01.11.1985.

2. Learned counsel for the petitioner submits that

section 4 Notification was issued in August, 1985. Prior to 1989 no PAP certificate was issued to any member of his family. Uncle of the petitioner could not have been appointed from PAP category, but he was working on daily wages .

3. Mr.Navandar, learned Advocate for the respondent No.4 submits that the list produced on record clearly shows that uncle of the petitioner namely Sakharam Gangaram Gaikwad was appointed from PAP category.

4. We have considered the submissions.

5. Only one of the members of the family can get employment from PAP category. Uncle of the petitioner Sakharam Gangaram Gaikwad is appointed on 01.11.1985 with respondent No.4 University. In the list maintained by respondent No.4 University, Sakharam Gangaram Gaikwad is shown to have been appointed from PAP category. If Sakharam Gangaram Gaikwad is appointed from PAP category, then certainly, the petitioner would not be entitled for any relief.

6. It is for respondent No.3 to consider as to

whether employment of Sakharam Gangaram Gaikwad with respondent No.4 was from P.A.P. Category. Respondent No.3 shall verify the said aspect of the matter by calling record from respondent No.4 and shall take decision in respect of the same within a period of three months.

7. Depending upon the decision of respondent No.3, respondent No.4 shall take further course of action.

8. Writ petition is accordingly disposed of. No costs.

(A. M.DHAVAL, J.)

(S.V.GANGAPURWALA, J.)

JPC