

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

**CIVIL APPLICATION NO.1138 OF 2019
IN WP/3250/2017**

**AYODHYA PRAKASH MUNDHE
VERSUS
SNEHLATA JANARDHAN JADHAV AND OTHERS**

Mr.Prabhakar Nathrao Nagargoje, Advocate for the
applicant

Mr.K.N.Lokhande, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 21.01.2019

P.C. :-

. Heard learned counsel for the applicant.

2. By the present application the applicant
prays for intervention in writ petition
No.3250/2017.

3. The grounds raised in the application
seeking intervention in the petition are reflected
in paragraph Nos.2 and 3. It is further orally
submitted by the learned counsel for the applicant
that if the applicant is not permitted to intervene
in the petition, his right would be affected. In so
far as the ground Nos.2 and 3 in the application are

concerned they relate to factual aspect namely the present applicant has filed writ petition in this Court raising grievance that certain persons have obtained the certificate that they are the persons belonging to the category of Project Affected Persons and have obtained the certificates by playing mischief and fraud. The present applicant who was petitioner in writ petition No.942/2015 stakes his claim for appointment. It is stated in paragraph No.3 that it was incumbent upon the petitioners to array the present applicant as a respondent alongwith the other similarly situated candidates who filed the Writ Petition No.942/2015. It is also submitted in the application that an interim order is passed in the present writ petition i.e. 3250/2017. In so far as this ground namely an earlier writ petition filed by the present applicant and also staking his claim, it would be necessary to refer to the relevant observations of the division bench of this Court while disposing the writ petition namely writ petition No.942/2015. The writ petition was disposed of on 15.12.2016.

4. Learned AGP on instructions made a statement before this Court that after filing the

petition an enquiry committee is constituted and the enquiry is in process. Further steps are being taken by the authorities against those candidates whose PAP certificates are found to be false and erroneous. According to the learned AGP, the further date of hearing was fixed on 20.12.2016. On 13.12.2016 also, the hearing had taken place. 24 persons had participated in the hearing on the said date and in respect of 21 cases, the matter is reserved for orders and 3 of them had sought adjournment. The learned AGP submits that the said enquiry in respect of all the certificates issued, would be concluded expeditiously.

5. The relevant paragraph Nos. 5 to 9 of the order dated 15.12.2016 in writ petition No.942/2015 read thus:

5. Upon issuance of notice to the respondents on or about 06.08.2015, a statement was made on behalf of the respondents that the enquiry committee is already appointed to enquire into the said PAP certificates. The said enquiry thereafter has proceeded further. On 26.08.2016, we had recorded the affidavit in reply filed by the

Deputy Collector (General), Beed, wherein it is stated that enquiry is initiated against 199 project affected persons certificate holders. 26 PAP holders are found to be genuine and 20 certificates are prima facie found to have been obtained on the basis of suspicious documents. It was further stated in the affidavit that 28 certificates are found to have been obtained with the help of suspicious documents. The said affidavit further states that 100 project affected persons certificates obtained by the concerned certificate holders prima facie seem to be in breach of the provisions of the Act. The said affidavit further states that the genuineness of the remaining certificates is under consideration and will be considered as soon as record is received and made available before the committee. Thereafter, on 07.10.2016, further affidavit is filed by the Deputy Collector, Beed, stating the further progress made. On 21.11.2016, further statement was made by the learned AGP on instructions that subsequently again 13 certificates of PAP category are canceled and the next date is kept on 07.12.2016.

6. Today, further statement is made that on

13.12.2016, some hearing had taken place and 21 matters are reserved for orders and the orders would be passed on the same. Further hearing is scheduled on 20.12.2016.

7. By the affidavits filed and the statements made from time to time, we are convinced that the enquiry committee is constituted and is proceeding further satisfactorily. The said enquiry is required to be taken to its logical end. We hope and trust that the same would be concluded expeditiously.

8. The respondents are also required to consider the claim of the present petitioners. If it is found that the persons who are appointed from PAP category are on the basis of erroneous PAP certificates issued and if their appointment is canceled in accordance with law, then the case of the petitioners be considered for appointment on its own merits in accordance with law.

9. With these observations and directions, writ petition is disposed of. No costs. In view of disposal of writ petition, civil application also stands disposed of.

6. The above referred order clearly shows that this Court was satisfied with the exercise undertaken by the State thorough enquiry in the matter this Court also protected the interest of the present applicant who was petitioner in the writ petition No.942/2015.

7. By observing that if their appointments are canceled in accordance with law this case of petitioner be considered for appointment on its own merits in accordance with law.

8. In the present writ petition the petitioners have placed on record the order dated 18.11.2016. In this order reference is also made to the writ petition No.942/2015.

9. The authority of the State namely the Deputy Collector, Beed by that order project affected persons certificates issued in favour of Snehalata Janardhan Jadhav then there are identical orders in respect of others. These orders are subject matter of writ petition No.3250/2017. By way of interim order the division bench of this Court on

09.03.2017 in the present writ petition permitted the petitioners to file reply to the show cause notice and further directed the respondent authorities not to take adverse action against the petitioners. The petition is pending in this Court.

10. Thus, in our opinion the grounds raised in the application seeking intervention and more particularly ground Nos. 2 and 3 are short of any merits to entertain the application and in so far as the oral submission of the learned counsel that right of the applicant would affect, it seems that the applicant is under erroneous impression that there is absolute right in his favour of seeking an appointment whereas the right of this present applicant is a conditional right which flowed from the order of this Court dated 15.12.2016 and more particularly from paragraph No.8 of the order and that to limited one namely the consideration of claim of the present applicant on its own merits.

11. Thus, considering all these grounds we are of the opinion that neither the applicant is having any locus nor there is sound ground raised in the application so as to permit us to allow the

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applicant to intervene in the present writ petition as a party. Resultantly, the application thus being merit-less deserves to be rejected. Accordingly, the civil application is rejected.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]