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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9543 OF 2016

Mrs. Deepa Vasant Gumal … Petitioner.

V/s.

State of Maharashtra & Anr. ... Respondents.

Ms. Kumud A. Bhatia for the Petitioner.
Ms. Nisha Mehra, AGP for the Respondent – State.
Mr. S.J. Rairkar for Respondent No.2.

CORAM : PRADEEP NANDRAJOG,C.J. &
N.M. JAMDAR, J.

DATE : 3 JULY 2019.

P.C. :-

This Petition filed in the year 2016 seeks to set aside the order of termination dated 4 February 2008 and to reinstate the Petitioner and protect her services in the light of the decisions of this Court and Government Resolutions.

2. The Petitioner obtained a caste certificate on 24 August 2000 of belonging to "Mannervarlu" Scheduled Tribe. The

Petitioner joined the services of the Respondent No. 2 as a primary teacher. By order dated 15 June 2007, the Scrutiny Committee invalidated the caste certificate of the Petitioner. As a consequence, on 4 February 2008 the Petitioner was terminated from service. The Petitioner challenged the order passed by the Scrutiny Committee by filing a Writ Petition bearing No. 4321 of 2008, which was dismissed on 21 April 2009.

3. This Petition is filed relying on a Government Resolution dated 21 October 2015 and decision of the Division Bench of this Court dated 4 April 2014 in the case of *Rakesh Sukanuji Dafade V/s. State of Maharashtra and Ors.*[1] and decision of the Full Bench of this Court dated 22 December 2014 in the case of *Arun s/o Vishwanath Sonone v/s. State of Maharashtra and Ors.*[2] The learned Counsel for the Petitioner has fairly brought to our notice decision of the Supreme Court in the case of *Chairman and Managing Director, Food Corporation of India and Ors. V/s. Jagdish Balaram Bahira and Ors.*[3] rendered on 6 July 2017 after filing of this Petition.

4. The Supreme Court in *Food Corporation of India* case has taken a review of the earlier decisions regarding services governing the action to be taken regarding those employees who had

1 Civ. WP 3014.04
2 2015(1) Mh.L.J.457
3 2017(8) SCC 670

entered services on the basis of a Caste Certificate and whose Caste Certificates have been invalidated. The Supreme Court has over ruled the decision of the Full Bench of this Court in *Arun Sonone case.* The Supreme Court has interpreted the provisions of Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 and has held that if Caste Certificate is invalidated, no separate proof is required for a fraud. In view of Section 10(1) and Section 7 of the Act of 2000 as interpreted by the Supreme Court in *Food Corporation of India* case there is no question of giving effect to a Government Resolution dated 21 October 2015. This Government Resolution was prior to the pronouncement of law by the Supreme Court.

5. The Petitioner has already been terminated from services as far back as 2008. The Writ Petition challenging the invalidation of the caste certificate on merit has already been dismissed. No relief can be granted to the Petitioner. The Petition is dismissed.

N.M. JAMDAR, J. CHIEF JUSTICE