

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION***

WRIT PETITION NO. 11441 OF 2019

Mr. Raju Bhimsen Dodmani ... Petitioner
Vs
The State of Maharashtra ... Respondent

***WITH
INTERIM APPLICATION NO. 2 OF 2019
IN
WRIT PETITION NO. 11441 OF 2019***

Mr. Raju Bhimsen Dodmani ... Petitioner
Vs
The State of Maharashtra ... Respondent

Mr. Anand S. Jondhale i/b Satish Sakat for the Petitioner.

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

***CORAM : S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.***

TUESDAY, 04TH FEBRUARY, 2020

P.C. :

1 The petitioner has filed this petition challenging the order of the Scrutiny Committee dated 9th November, 2016, invalidating the caste certificate issued in favour of the petitioner on 3rd November, 1998. That stated that the petitioner is a “Matang” Scheduled Caste. However, the Committee found that

the petitioner has not established and proved his claim, particularly that he was a resident of the State of Maharashtra before the cut-off date, namely, 10th August, 1950.

2 On such a petition, we had passed an order calling for the records and proceedings. That was called for on 9th January, 2020. The above directions were issued because the petitioner has filed an Interim Application in which the petitioner has, for the first time, contended that the appointment of the petitioner is not made against a reserved post, but in the open category. The Swami Vivekanand Shikshan Sanstha is the Management and the petitioner is working there as a Class-IV employee. He is not getting his salary from the date of the communication of the order of the Scrutiny Committee.

3 In fact, the petitioner is not at all claiming the benefits of reservation as he is appointed in an open post. Therefore, the communication of 27th February, 2018, of the Management withholding the salary is incorrect.

4 Though this communication cancels the termination

of the petitioner dated 6th November, 2017, his salary cannot be withheld.

5 We find that the cause of action in the Interim Application is directly contrary to the assertions in the Writ Petition. When this was brought to the notice of the petitioner's advocate, he says, on instructions, that the petitioner will withdraw this Writ Petition challenging the order of the Scrutiny Committee. He will withdraw it with liberty to file appropriate proceedings to challenge the communication of the Management and the denial of the salary.

6 On this statement, the Writ Petition is allowed to be withdrawn with liberty to file appropriate proceedings challenging the above noted grievance. The Interim Application as also the Writ Petition are disposed of in these terms. There will be no order as to costs.

7 The original record is returned to the learned AGP.

R.I. CHAGLA, J.

S.C. DHARMADHIKARI, J.