

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2082 OF 2016

DEVIDAS MAROTIRAO KAMBALWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.V.U.Jadhav, Advocate for the petitioner.
Mr.S.B.Yawalkar, AGP for respondent Nos. 1 and 2.
Mr.D.S.Bagul, Advocate for respondent No.2.

(CORAM : RAVINDRA V. GHUGE &
S.G. MEHARE, JJ)

DATE : JULY 29, 2021

PER COURT :

1. By this petition, the petitioner has put forth prayer clause 'B' as under :-

“B. To direct the respondent No.2 to reinstate the petitioner in service on the post of Assistant (Sahayyak) which he was holding at the time of termination without any back wages and other benefits in service like promotion etc. from Scheduled Tribe Reserved Category and consider his services as continuous service for other purposes by quashing and setting aside the impugned termination order dated 30.05.2007 (Exhibit-P5) in light of the decision in case of “Liladhar Indrabhan Chunkikar Vs. State of Maharashtra and others” in WP No.99/2003 along with

the connected matters decided on 17/02/2015 by the Hon'ble High Court of Judicature at Bombay, Bench at Nagpur, by issuing appropriate writ, orders, or directions as the case may be."

2. There is no dispute that the petitioner's claim of belonging to "Koli Mahadev Scheduled Tribe" vide certificate dated 15/06/1992, has been negated by the Committee vide order dated 27/04/2007. Based on the invalidation of his claim, respondent No.2/employer terminated his service on 30/05/2007. The petitioner preferred WP No.3391/2007 challenging the decision of the Committee and his subsequent termination order. By order dated 21/08/2007, this Court allowed his petition, quashed the impugned decision of the Committee and remitted his validity claim for a fresh decision. He was granted liberty to lead further evidence in support of his tribe claim. There was no direction of reinstatement in service.

3. It is equally undisputed that respondent No.3/Scrutiny Committee once again invalidated the tribe claim of the petitioner on 12/03/2008. It is in this backdrop that the above reproduced prayer has been put forth by the petitioner after his dis-engagement in 2007, which is 14 years ago.

4. The Hon'ble Apex Court has recently delivered a judgment on 06/07/2017 in the matter of Chairman and Managing Director FCI and others versus Jagdish Balaram Bahira and others [(2017) 8 SCC 670]. In view of the Law crystallized in this judgment, no relief can be granted to the petitioner.

5. This petition, being devoid of merit, is therefore, dismissed.

(S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)