

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

WRIT PETITION NO.13121 OF 2016

Smt.Shahenaz Begum Shaikh Chand	.. Petitioner
Versus	
The State of Maharashtra & Ors..	.. Respondents

Mr.C.K. Bhangoji a/w Mr.V.A. Madane for the petitioner.
Mr.A.A. Alaspurkar, AGP for the respondent nos.1, 3 & 4.
Mr.Om Suryawanshi i/by Ms.Aruna Savla for the respondent no.2-
MCGM.

**CORAM : R.D. DHANUKA
R. I. CHAGLA, JJ.
DATE : 30th JULY 2021
(through video conferencing)**

P.C.:-

. Rule. Learned AGP waives service for the respondent nos.1, 3 & 4 and learned counsel waives service for the respondent no.2. Heard finally by consent of parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner is seeking a writ of certiorari for quashing and setting aside the impugned order dated 26th October 2016 passed by the respondent no.2 Education Officer with a direction to the respondent no.2 Education Officer to reinstate the petitioner on the post of Trained Teacher with all consequential benefits.

3. The petitioner had applied for validation of caste certificate to the respondent no.3 Scrutiny Committee and based on the application,

the respondent no.3 Scrutiny Committee was pleased to invalidate and cancel the caste certificate of the petitioner as belonging to Garudi, Scheduled Caste. Thereafter the petitioner had filed a Writ Petition bearing No.11830 of 2015 before this Court (Aurangabad Bench) for challenging the decision taken by the respondent no.3 Scrutiny Committee. Petition was dismissed by this Court (Aurangabad Bench) by an order dated 29th February 2016.

4. The petitioner filed SLP (C) No.9043 of 2016 before the Hon'ble Supreme Court who after hearing the petitioner dismissed the said SLP with liberty to move concerned authority for whatever relief petitioner wanted to avail.

5. The petitioner thereafter made a representation to the respondent no.2 Education Officer dated 30th June 2016 which representation was rejected by the impugned order dated 26th October 2016 passed by the respondent no.2-Education Officer.

6. Learned counsel appearing for the petitioner submitted that the impugned order dated 26th October 2016 thus is required to be quashed and set aside as the respondent no.2 Education Officer has not considered the caste certificate issued to the petitioner on 23rd May 1994 and inspite of the liberty granted by the Supreme Court to move concerned authority for whatever relief petitioner wants to avail.

7. Having considered the submissions, it is clear from the record that the petition filed by the petitioner challenging the decision of the respondent no.3 Scrutiny Committee dated 3rd October 2015 has been

challenged right upto the Supreme Court and the challenge was unsuccessful. The order of termination dated 26th October 2016 passed by the respondent no.2 Education Officer thereby terminating the services of the petitioner from the post of Shikshan Sevak was on the basis that the petitioner was not able to obtain the caste validity certificate.

8. In view of the petitioner being unsuccessful in obtaining the caste validity certificate, we do not find any infirmity in the decision taken by the respondent no.2 Education Officer on the representation made by the petitioner on 30th June 2016 pursuant to the liberty granted by the Supreme Court vide order dated 13th April 2016. Writ petition is devoid of merits.

9. Writ petition is accordingly dismissed. Rule is discharged. There shall be no order as to costs.

R. I. CHAGLA J.

R.D. DHANUKA, J.