

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR**

**Writ Petition No.3851/2017
with
Civil Application (CAW) No. 723 of 2020**

Lekraj Ganpatrao Dhakate

...Petitioner

Versus

Superintending Engineer, Maharashtra
Distribution Company Ltd. Bhandara and others

State ...Respondents

Shri S.D. Chande, Advocate for the Petitioner.

Shri A.D. Mohgaonkar, Advocate for the Respondent Nos. 1 and 2.

**CORAM : NITIN JAMDAR AND
ANIL S. KILOR, JJ.**

DATED : 19 JANUARY 2021

P.C.:

Heard learned Counsel for the parties.

2. The Petitioner was working on the post of Junior Division Clerk in the Scheduled Tribe Category. His Caste Certificate was referred for verification to the Respondent Scrutiny Committee and the Respondent Scrutiny Committee by Order dated 31 January 2017 invalidated the Caste Certificate issued to the Petitioner.

3. The learned Counsel for the Petitioners submitted that the Petitioners had relied upon the Full Bench decision of this Court, rendered in the case of *Arun S/o. Vishwanath Sonone Vrs. State of Maharashtra*¹ which is subsequently overruled by the Hon'ble The Supreme Court of India in the decision of *Chairman and Managing Director, F.C.I -Vrs.- Jagdish Balram Bahire*². The learned Counsel for the Petitioners submits that thereafter, the Petitioner has sought an amendment to both the Petition for joining the Scrutiny Committee as party-Respondent and has included a challenge to the order of the Scrutiny Committee.

4. The learned Counsel for the Petitioners submitted that the Petitioners had filed an affidavit before the Scrutiny Committee that the Petitioners are given up the claim. Even assuming that the Petitioners gave the affidavit, in the circumstance prevailing then and have entitled to challenge the order of the Scrutiny Committee, we find that there is no merit in the challenge.

5. The Vigilance Cell inquiry was duly made. The evidences produced by the Petitioner showing the entry as "Halba" are post independence period and rightly not given weightage by the Scrutiny Committee. The Scrutiny Committee has rightly taken a note of the

1 2015(1) Mh.L.J. 457

2 2017(4) Mh.L.J. 898

School Leaving Certificate of the Petitioner's father of 01 February 1935, wherein the entry appears as "Kosti".

6. The documents relied upon by the Petitioner showing the entry as "Halba", are recent documents and while evaluating the evidence before it the Scrutiny Committee has rightly not given weightage to the same. This appreciation of material before it by the Scrutiny Committee is not perverse and therefore there is no error in the order passed by the Scrutiny Committee. In these circumstances, there is no error whatsoever in the order passed by the Scrutiny Committee.

7. The learned Counsel for the Petitioner submitted that there are subsequent Government Resolutions concerning employees such as the Petitioner, therefore, the Petitioner be continued in service. He states that if the Petitioner desires to prosecute his claim in respect of those Government Resolutions, he may be permitted to approach the appropriate authority. While we dismiss the challenge of the Petitioner in respect of the order of the Scrutiny Committee, we leave it open to the Petitioner to pursue the other challenges in law, if available.

8. The Writ Petition is accordingly disposed of.

9. Civil Application is disposed of.

[ANIL S. KILOR, J.]

[NITIN JAMDAR, J.]