

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

21 WRIT PETITION NO.13066 OF 2023

AMIT FULCHAND TUMDAM
VERSUS
THE STATE OF MAHARASHTRA THROUGH IT'S SECRETARY AND
OTHERS

Mr.S.T.Solanke, Advocate for the Petitioner.
Mr.A.V.Deshmukh, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRAGADE, JJ.)

DATE : OCTOBER 30, 2023

PER COURT :

1. It is canvassed before us that Respondent No.6 has a bogus certificate belonging to the Scheduled Tribe Category. The complaint has been lodged with the Competent Committee where the claim of Respondent No.5 is still pending. The Petitioner as well as Respondent No.5 appeared for the Maharashtra Agriculture Services Main Examination 2021 conducted by the MPSC. Respondent No.5 is at Sr.No.17. The Petitioner is in the wait list. According to the Petitioner, Respondent No.5 cannot be in the wait list since he has a bogus Tribe Certificate.

2. As the hearing progressed to some extent, the learned Advocate for the Petitioner divulged to us that the Petitioner had approached the learned Maharashtra Administrative Tribunal at Nagpur by preferring OA No.849/2023, since the Petitioner is R/o.Tal.Ramtek, Dist.Nagpur. The reason to approach the Tribunal was to seek a declaration that Respondent No.5 is not a genuine Scheduled Tribe Candidate. This aspect (that the Petitioner has approached the Tribunal prior to filing of this Petition on 10.10.2023), is conspicuously suppressed from the Court and has not been pleaded in the Petition. By the judgment delivered by the Tribunal dated 06.09.2023, copy of which is not placed on record before us, the claim of the Petitioner was rejected concluding that it is the duty of the Scrutiny Committee to consider whether the said candidate belongs to the Koli Mahadev ST category.

3. The Hon'ble Supreme Court has held in **Bhaskar Laxman Jadhav and others Vs. Karamveer Kakasaheb Wagh Education Society and others [AIR 2013 SC 523]** and in **Kishore Samrite Vs. State of UP and others [(2013) 2 SCC 398]**, that if a litigant suppress material

information from the Court, such a litigant should be penalized with heavy costs and no relief should be granted. In the instant case, all the pleadings set out before us were taken up before the learned Tribunal seeking an order. On the same grounds, it is prayed that the Committee be directed to expedite the hearing in this matter when the Petitioner is already a complainant before the Committee which is dealing with the validation claim of Respondent No.5.

4. In view of the above, we could have imposed heavy costs on the Petitioner and could have also reported this matter to the MPSC. However, since he himself is a candidate, who is young and seeking employment in Government Services and also belongs to the backward category, that we are showing leniency.

5. **This Petition is, therefore, dismissed.** No order as to costs.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)