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IN THE HIGH COURT OF JUDICATURE AT BOMBAY CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2248 OF 2025

Namdeo Dala Borse
Aged 52 years, Occ.: Service
Residing at 104, Satyam Shivam,
Apartment, B-Wing, Chinchpada
Road, Kalyan (East), Dist. Thane

... Petitioner

Versus

1. State of Maharashtra
Through its Secretary, Tribal
Development Department,
Mantralaya, Mumbai-400 032.
2. Scheduled Tribe Certificate Scrutiny
Committee, Nashik Division – 2,
Through its Member Secretary,
Having its office at Adiwasi Vikas
Bhavan, Gadkari Chowk,
Dist Nashik.
3. Thane Municipal Transport through
Its Office Superintendent, having its
Office at Thane Municipal Corporation
Main Administrative Building, Road
no. 34/28, near Wagle Estate Agar,
Wagle Estate, Thane - 400 604.

... Respondents

Mr. R. K. Mendakar i/b Ms. Priyanka Shah, Mr. Jagdish K., Advocates
for the Petitioner.

Mr. Ajit Pitale a/w Mr. Siddharth Pitale, Advocates for Respondent 0-
TMC.

Mr. B. V. Samant Addl. GP /w Mr. V. G. Badgujar, AGP for Respondent
No. 2 Committee.

Mr. Arun Padekar, Law Officer, present.

**CORAM : RAVINDRA V. GHUGE AND
ASHWIN D. BHOBE, JJ.**

DATE : 10th DECEMBER, 2025

ORAL JUDGMENT : (PER : RAVINDRA V. GHUGE, J)

1. **Rule.** Rule is made returnable forthwith and the matter is heard finally, by consent of the parties.

2. Though this matter was heard for quite some time, considering that the learned AGP submits, on instructions from the Competent Scrutiny Committee, that the impugned Judgment of the Committee dated 30th January, 2025 be set aside and the case of the Petitioner be remitted for a fresh hearing, that we are not dealing with all the submissions of the parties.

3. For the sake of the record, the Petitioner's oldest ancestor (Mool Purush), as claimed by him, was Manaji. Manaji is said to have only two sons, Shreepat and Bhaiji. The Petitioner is from the branch of Shreepat. Not a single paternal relative from the branch of Shreepat has a validity certificate. Hence, the Petitioner relies upon Bapu Son of Shankar, who is the grandson of Dala and great-grandson of Bhaiji. He has received a validity certificate. Bapu is from the branch of Bhaiji. The

genealogy tree appearing in the impugned order, in so far as the branch of Bhaiji is concerned, appears to be unbelievable. Bhaiji is said to have only one son Dala. Dala is said to have only one son Shankar. And Shankar is said to have only one son Bapu, who has a validity certificate.

4. The learned AGP submits that the committee has re-opened the case of Bapu Shankar Borse and Bapu's Son Manoj. Similarly, the case of Sanjaykumar Ramchandra Borse has also been re-opened, since Manoj Bapu Borse had relied upon Sanjaykumar Ramchandra Borse (who has a validity), while seeking his own validity certificate.

5. It is in the light of the above and in the light of the statement of the Committee, that **the impugned order is set aside**. The case of the Petitioner is relegated to the Committee for reconsideration. We direct the vigilance cell assisting the committee, to carry out a proper vigilance cell inquiry and find out all the paternal relatives from all branches (sons, daughters, brothers, sisters, etc.) while dealing with the case of the Petitioner as well as the re-opened cases.

6. In so far as the termination of the service of the Petitioner is concerned, the Petitioner would stand relegated to the stage of his

proposal now being remitted to the committee for re-consideration afresh. As such, the order of the employer terminating his service after his claim was invalidated, needs to be reviewed. To balance the equities, the Petitioner has tendered an original affidavit dated 14.02.2025 stating therein that the Petitioner would not be entitled for increment / pay revision / regularization / promotion/ service benefits until his claim is validated.

7. The original affidavit is taken on record and marked as ‘X’ for identification. A photocopy of the same is delivered to the learned Advocate for the Management, as well as the learned AGP.

8. In view of the above, the impugned order of termination dated 14.02.2025 shall stand set aside. The Petitioner would stand reinstated in service with continuity and full back wages as per the salary scale last drawn, at the time of termination. He would continue in employment until his claim is validated by the committee. In the interregnum, till then, he would not be entitled for any increments / pay revision/ promotion/ service benefits, etc.

9. With the above observations and directions, **this Writ Petition stands partly allowed.** Rule is made partly absolute on the above terms.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)