

(1998) 10 BOM CK 0065

In the Bombay High Court

Case No : Writ Petition No. 3289 of 1998

Shri Harishchandra Arjun Chavan

APPELLANT

Vs

State of Maharashtra and others

RESPONDENT

Date of Decision : 15-10-1998

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1999) 1 ALLMR 42 : (1999) 1 BomCR 286 : (1999) 81 FLR 873 :
(1999) 1 MhLj 126

Hon'ble Judges : Pratibha Upasani, J; Ashok Agarwal, J

Bench : Division Bench

Advocate : M.N. Zambre, for the Appellant; R.D. Rane, A.G.P., for the State., for the Respondent

Judgement

Per Ashok Agarwal, J.—Petitioner is seen to have obtained employment in a post reserved for Scheduled Tribe by making a false representation that he belongs to Tokare Koli. At the time of obtaining employment he has produced a Caste Certificate certifying that he belonged to Tokare Koli Scheduled Tribe. The said certificate was referred to the Caste Scrutiny Committee. By an order passed on 30th July, 1994, the Scrutiny Committee has invalidated his claim of belonging to Scheduled Tribe. The Committee has found that the petitioner belongs to Koli Caste.

2. The petitioner impugned the said order passed by the Committee by filing a Writ Petition bearing No. 4621 of 1994 which was rejected by an order passed on 14th November, 1994. Petitioner's employers i.e. respondents No. 2 and 3 herein have accordingly held Disciplinary Proceedings against the petitioner for misconduct namely that he has knowingly produced a false certificate for obtaining employment in a post reserved for the aforesaid reserved category. A charge-sheet was issued against the petitioner and the petitioner has been found guilty of the aforesaid charge. The services of the petitioner have been terminated in view of the aforesaid misconduct of the petitioner. The order of

termination is impugned in the present petition.

3. Reliance is placed on a Government Resolution issued on 15th June, 1995 which seeks to protect the services of those employees who have failed to prove their claims, as belonging to Scheduled Tribe, but have been held as belonging to Special Backward Class. Petitioner, it is pointed out, has been held not belonging to Tokare Koli Scheduled Tribe but belonging to Koli, which is a special back-ward class. His services, in the circumstances, are liable to be protected, under the aforesaid G.R.

4. In our view, the contention advanced is totally misplaced. The services of the petitioner have not been terminated merely on the finding of the Caste Scrutiny Committee. The same have been terminated as a consequence of disciplinary proceedings initiated against him wherein a finding of guilt has been given. The petitioner is guilty of misconduct for making a false representation in respect of his caste claim for obtaining employment. The School Leaving Certificate of the petitioner reveals that he belongs to Hindu Koli. In the circumstances, the finding arrived at in the disciplinary proceedings that the petitioner has furnished false information in regard to his caste claim for obtaining employment, is unassailable.

5. Regulation No. 16 of Classification & Recruitment Regulations, 1961 of Maharashtra State Electricity Board provides as under:--

"Any candidate who is found to have knowingly furnished any particulars which are false or to have suppressed material information of a character which, if known, would ordinarily have debarred him from getting appointment in the service of the Board, is liable to be disqualified and if appointed, to be dismissed from service."

6. The services of the petitioner in the instant case have been terminated under the aforesaid Regulation. The petition, in the circumstances, we find is devoid of merit and the same is summarily dismissed.

7. Petition dismissed.