

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,

NAGPUR BENCH, NAGPUR.

REVIEW APPLICATION NO. 08/2016 IN

ORIGINAL APPLICATION NO. 585/2013

Mrs. Kalpana Dadarao Mohod,  
Age 56 years, R/o Plot No. T7/1,  
Shreyas Apartment, Laxmi Nagar,  
Nagpur.

Applicant

-Versus -

- (1) The State of Maharashtra,  
Through its Principal Secretary,  
Home Department,  
Mantralaya, Mumbai.
- (2) The Director,  
Directorate of Forensic Science Laboratories,  
Vidya Nagri, Hans Bhugara Marg,  
Santacruz, Mumbai (East)
- (3) Deputy Director Regional,  
Forensic Science Laboratory, Rahate Colony,  
Nagpur

Respondents

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Shri. D.A.Mahajan, Advocate for the applicant

Shri. A.M. Ghogre, P. O. for the respondents

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Coram : - Shri B. Majumdar, (Vice Chairman) &  
Shri S.S.Hingne, Member(J)

Dated :- 07<sup>th</sup> July 2016

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PER : MEMBER (J)

1. The applicant has filed the application to review the order dated 10/03/2016 deciding the O.A. 585/2013.
2. Heard, Shri D.A.Mahajan, the Id. counsel for the applicant. Shri A.M.Ghogre, Ld. P.O. for the respondents.
3. The contention of the applicant is that she is appointed prior to 1995 and therefore her services cannot be terminated, in light of Government Resolutions issued from time to time i.e. 1995, 2003, 2015 referred to in the Judgement and also observations in the case *Arun Sonone V/s State of Maharashtra 2015 (1) Maharashtra law Journal, page 457* and the Judgement rendered by this Tribunal in *O.A.No.754/2014 decided on 03/08/2015, Vijay Singh V/s State and 650/2015 decided on 09/02/2016 Dimple V/s State of Maharashtra.*
4. The applicant has pleaded in the O.A. that her father was "Deshmukh" i.e. "Pradhan Malgujar" and therefore her

*S.S.H.*

father and grant father were called "Thakur" and the Tehsildar issued such a certificate. From the entry and note in the statement (R-1, Pg. - 70) her caste is shown as "Thakur" and note runs as "The candidate at serial number 8 selected against S.T.". This endorsement is dated 06/01/1983. In the service book, (R-7, Pg.- 82) her caste is shown as "Thakur" which is verified from the certificate dated 06/12/1980 issued by Executive Magistrate, Nagpur. The applicant while appearing for interview filled the form (R-4, Pg.78) wherein she mentioned her caste "Thakur" falling in S.T. category. These documents establish that the applicant's appointment is against the S.T. category and her caste is "Thakur", S.T.

5. However, the certificate sent to the Caste Scrutiny Committee for validating the caste claim is dated 31/07/1997 which is manifest from the order dated 25/01/2008 passed by the Scrutiny Committee (Pg.-35)(A-11). Meaning thereby that the certificate on which basis she was appointed is the caste certificate dated 06/12/1980, was not sent to the Scrutiny Committee but

5/81

some other certificate dated 31/07/1997 was sent, and on its basis the Scrutiny Committee gave its report.

6. The applicant has mentioned in the O.A. that the certificate calling her forefather as a "Thakur" was submitted at the time of appointment. It is case of respondent that applicant belongs to "Maratha" Community which is an "Open" category. The applicants case is that her parents are "Deshmukh Malgujar". As such it can be said that no "Caste Certificate" was submitted at the time of appointment in the year 1983. That certificate is not on record. The citations protect the services in case the appointment is in the reserve category based on the "Caste Certificate" issued by the authority but which was not validated and the employee is of other reserved category. Subsequently the applicant has not secured "Caste Certificate", showing she belongs to other reserved caste. In the case in hand, the very foundation, that the certificate of the applicant at the time of appointment is a "Caste Certificate" is not established and therefore the applicant cannot avail that benefit.

7. The review is permissible in certain contingencies. Even if the matter and order is reviewed in the light of submissions made, it cannot be said that for the above reasons the wrong view taken while deciding the case which needs to be reviewed.

8. Thus there is no merit in the review application.

9. Consequently the review application is rejected.

sd/-

(S.S.Hingne)  
Member (J)

sd/-

(B.Majumdar)  
Vice Chairman

