IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3463 OF 2023

Shrikant s/o. Mahadeo Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH

WRIT PETITION NO.3450 OF 2023

Sanjay s/o. Suryakant Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH

WRIT PETITION NO.3451 OF 2023

Mangesh s/o. Arun Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH

WRIT PETITION NO.3454 OF 2023

Arun s/o. Chandrakant Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH

WRIT PETITION NO. 3458 OF 2023

Raj s/o. Madhusudan Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH

WRIT PETITION NO.3459 OF 2023

Dheeraj s/o. Dnyaneshwar Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION NO.3461 OF 2023

Dililp s/o. Vasant Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION NO.3452 OF 2023

Komal d/o. Dilip Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Another .. Respondents.

WITH
WRIT PETITION NO. 3457 OF 2023

Sneha d/o. Sanjay Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION NO.3456 OF 2023

Pooja d/o. Madhusudan Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION NO.3462 OF 2023

Rutuja d/o. Madhusudan Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

WITH
WRIT PETITION NO.3460 OF 2023

Dnyaneshwar s/o. Mahadeo Gaikwad .. Petitioner.
v/s.
The State of Maharashtra & Others .. Respondents.

Mr. Sushant C. Yeramwar, for the Petitioner in all the Petitions.

Mr. K. S. Thorat, AGP for Respondent-State in Writ Petition Nos. 3463 of 2023 to 3452 of 2023.
Mr. S. L. Babar, AGP for Respondent-State in Writ Petition Nos.3457 of 2023 to 3460 of 2023.
Mr. Abhijit Devkhile, for Respondent No.3 in Writ Petition No.3463 of 2023.
Ms. Meena H. Doshi, for Respondent No.3 in Writ Petition No.3458 of 2023.
Ms. Pooja Joshi, for Respondent No.4 in Writ Petition Nos.3462 of 2023 and 3456 of 2023.

CORAM: A.S.CHANDURKAR &
FIRDOSH P. POONIWALLA, JJ.
DATE : 4th DECEMBER, 2023.

P.C:-

RULE. Rule made returnable forthwith and heard finally by consent of learned Counsel for the parties.

2 The challenge raised in all these Petitions is to the order dated 2nd March, 2023 passed by the Scrutiny Committee, Pune cancelling the validity certificate issued to each Petitioner. The said order has been passed pursuant to a show cause notice issued by the Scrutiny Committee, calling upon each Petitioner to explain as to why proceedings resulting in issuance of the Validity Certificate should not be re-opened on the ground that there has been suppression of facts and mis-representation while obtaining such Validity Certificates. The show cause notice was based on the Vigilance Cell Report that was received in the matter of one Prasad Suahs Gaikwad, the paternal cousin of the Petitioners.

3 The learned Counsel for the Petitioners submits that after passing of the impugned order dated 2nd March, 2023, by the Scrutiny Committee, this Court in Writ Petition No. 13566 of 2022 (Prasad s/o.

Suhas Gaikwad v/s. The State of Maharashtra) dated 30th March, 2023 has considered the case of the Prasad S. Gaikwad and has directed the Scrutiny Committee to issue Validity Certificate to the Petitioners therein after setting aside the order passed by the Scrutiny Committee. On this basis, it is submitted that the show cause notice as well as the impugned order do not survive and the same deserve to be dropped/ dismissed.

4 The learned Assistant Government Pleader appearing for the Scrutiny Committee opposed aforesaid submissions. According to him, the Scrutiny Committee has considered the documents of each Petitioner and it has thereafter invalidated their claim after cancelling the validity certificate issued to them. Since the impugned order has been passed after giving due notice, no interference was called for.

5 The learned Counsel appearing for the employer of the respective Petitioners submits that in view of the interim orders passed, the said Petitioners continue in service.

6 We have heard the learned Counsel for the parties and we have perused the documents on record. Perusal of the show cause notice dated 23rd February, 2022 as well as the impugned order passed by the Scrutiny Committee dated 2nd March, 2023 indicates that the Scrutiny Committee has sought to review its order by referring to certain old entries that were not noticed earlier while granting the validity certificates to the Petitioners. It is however necessary to note that these very documents were the subject matter of consideration in the case of the Petitioner's blood relative, Ms. Snehal Dilip Gaikwad in W. P. No.8152 of

2019. On the basis of the judgment delivered in that case, another blood relative Prasad Suhas Gaikwad was also granted validity certificate in W. P. No.13566 of 2022 decided on 30th March, 2023. We, therefore, find that in view of this adjudication wherein the same material that was considered while granting validity to the Petitioners has been re-visited, there would be no reason to re-call the validity certificates issued to the Petitioners.

7 For the aforesaid reasons, the common order dated 2nd March, 2023 passed by the Scrutiny Committee is set aside in the light of the judgment of this Court in the case of Prasad Suhas Gaikwad, dated 30th March, 2023. The respective employers should take note of this adjudication and take necessary consequential steps.

8 Rule is made absolute in the aforesaid terms with no order as to costs.

(FIRDOSH P. POONIWALLA,J.) (A.S. CHANDURKAR,J.)