

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL NO. 5906 OF 2019
(Arising out of SLP (C) No.10108 of 2017)

Executive Engineer,
Jihe Kathapur Lift Irrigation Division

... Appellant

versus

Sanjay vishwasrao Jadhav & Ors.

... Respondents

O R D E R

Leave granted.

The Respondent No.1 had been selected, appointed and had joined service as Assistant Storekeeper on 12.08.1999 on the basis of caste certificate depicting that he belongs to "Thakar" community coming under the Scheduled Tribe. The Caste Scrutiny Committee, on enquiry, found that the respondent No.1 is not from the said community. Based on such report, the respondent was terminated from service on 04.06.2010. The respondent being aggrieved, questioned the order of his termination before the Maharashtra Administrative Tribunal, Mumbai. The Tribunal vide order dated 11.08.2016 dismissed the application holding that the respondent no.1 was guilty of obtaining caste certificate by fraud to avail the benefits assigned to certain castes under the Scheduled Tribe category and, thus, he is not entitled to reinstatement in service. However, the Tribunal modified the date of termination from 04.06.2010 to 09.09.2010.

The High Court, in the writ petition, took a lenient view of the matter to protect the service of the respondent no.1 though nothing stated on merits of the matter.

Since the appointment of the respondent, at the inception, was as a result of fraud played by him, the respondent cannot be shown any leniency. Fraud vitiates everything. The High Court has gone wrong in granting relief to the Respondent though no exception can be made to the order of the Tribunal.

Hence, the appeal stands allowed. The impugned order passed by the High Court is set aside. There shall be no order as to costs.

....., J.
(Mohan M. Shantanagoudar)

....., J.
(Sanjiv Khanna)

New Delhi;
July 26, 2019.

ITEM NO.44

COURT NO.14

SECTION IX

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 10108/2017

(Arising out of impugned final judgment and order dated 07-03-2017
in WP No.462/2017 passed by the High Court Of Judicature At Bombay)

EXECUTIVE ENGINEER,
JIHE KATAHAPUR LIFT IRRIGATION, SATARA

Petitioner(s)

VERSUS

SANJAY VISHWASRAO JADHAV & ORS.

Respondent(s)

Date : 26-07-2019 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR
HON'BLE MR. JUSTICE SANJIV KHANNA

For Petitioner(s) Mr. Arvind S. Avhad, AOR
Mr. Abhishek Krishma, Adv.

For Respondent(s) Mr. Sudhanshu S. Choudhari, AOR

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeal stands allowed in terms of the signed order. The
impugned order passed by the High Court is set aside. There shall
be no order as to costs.

(GULSHAN KUMAR ARORA)
COURT MASTER

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)