

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 2007 OF 2002

Sunil Narayan Gonyal, Age 40 years,
Occupation Service, Resident of Plot
No.44, Madhuban Colony, Sahakarnagar,
Savadi, District Ahmednagar

Petitioner

V E R S U S

- 1 State of Maharashtra
- 2 Regional Manager, Central Bank of
India, Regional Office at Ahmednagar,
District Ahmednagar
- 3 Committee for verification of Tribe
Claims, Pune, at Pune

Respondents

Mr. V.M. Mane, Advocate, holding for
Smt. Shubhangi R. Chaudhary, Advocate for the petitioner
Mr. D.V. Tele, A.P.P. for respondent/State
Mr. V.N. Upadhye, Advocate for respondent no.2
Mr. P.S. Patil, Advocate for respondent no.3

**CORAM : A. V. NIRGUDE &
A. M. BADAR, JJ.
DATE : 7th JULY, 2015**

ORAL JUDGMENT :

1. This petition challenged the order dated 15th February, 2002, passed by respondent no.3-Tribe Scrutiny Committee, invalidating the petitioner's claim.

2. Learned counsel for the petitioner conceded that the petitioner would not continue his grievance

against the impugned order dated 15th February, 2002. He would give up his tribe claim, but, in the facts and circumstances of the case, he said, his client's service should be protected. The petitioner was appointed as Clerk in respondent no.2's Bank in 1984. The impugned order was passed in 2002. With this order, he is likely to lose his job which he obtained on the basis of tribe claim. The petitioner is still working in the Bank and he is now 53 years old and few years of his service is remained. In such situation, learned counsel for the petitioner sought protection to the petitioner's job in view of judgment of the Supreme Court in the case of **State of Maharashtra Versus Milind and others, 2001 [1] Maharashtra Law Journal 1**. For the first time in that judgment, the Supreme Court held that if the claim regarding caste or tribe status of the person is decided after number of years, he should be shown leniency to keep the benefit sheet obtained on the basis of the claim. In case of **Milind**, he obtained admission in Medical College on the basis of his caste/tribe claim. He completed his education and thereafter many years the claim was rejected. The Supreme Court in such situation observed as under:-

"Having regard to the passage of time, in the given circumstances, including interim orders passed by this Court in SLP © No.16372 of

1985 and other related affairs, we make it clear that the admissions and appointments that have become final, shall remain unaffected by this judgment."

3. Based on this view, probably the Governments have also issued Resolutions extending such benefit to such employees whose claims in respect of caste/tribe got rejected rather belatedly. The Supreme Court also took similar view subsequently in other cases. The benefits derived were protected, but further benefits were stopped. Applying this law, we are of the view that the situation of the petitioner is almost similar to that of **Milind**. The petitioner's claim was rejected in 2002. He filed this petition thereafter. We, therefore, hold that the petitioner is entitled to benefit which he relied so far. We also placed reliance on the judgment of Full Bench of this Court in the Case of **Arun Versus State of Maharashtra**. In terms of the said judgment, we direct the petitioner to submit an undertaking that he will not take benefit of his Caste Claim or Tribe Claim henceforth in his life. On filing of such undertaking, the petition should partly succeed. Thus, the petition stands partly allowed. The bank shall not take action against the petitioner based on the judgment of the Scrutiny Committee dated 15th February, 2002. Learned counsel for the petitioner submitted an undertaking sought by

the petitioner. It is taken on record. It is marked as '**A-1**'. In view of above, petition stands disposed of.

(**A.M. BADAR, J.**)

(**A.V. NIRGUDE, J.**)

SRM/07/7/15