

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 2252 OF 2002

Radheshyam Narsayya Shadmallu .. Petitioner

Versus

The State of Maharashtra & Ors. .. Respondents

Mr. A.B.Chalak h/f.Mr. S.B.Talekar, Advocate for petitioner.
Mr. D.V. Tele, A.G.P. for respondent/State.
Mr. A.B. Tele, Advocate for respondent No.2.

**CORAM : A.V. NIRGUDE &
A.M. BADAR, JJ.**

DATED : 29.06.2015

P.C. :-

1. Heard. Learned Counsel for the petitioner states that the petitioner is no longer interested in pressing this petition for getting a declaration that he belonged to a Scheduled Tribe. The petitioner requested this Court to protect his service as per Government Resolutions of 1995 and 2004.

2. We examined the facts of the case and found that the petitioner's case to be belonging to a Scheduled Tribe came to be rejected for want of evidence. However, it is seen from the impugned order that the petitioner did not place reliance on forged documents. We, therefore, agree with learned Counsel for the petitioner

that the petitioner would be entitled to continuation in service in terms of judgment of full Bench in the case of **Arun Vishwanath Sonone Vs. The State of Maharashtra & Ors. 2015 (1) Mh.L.J.457** and in view of Government Resolution dated 15.06.1995.

3. In view of this, the petition is partly allowed. The respondent shall not take any coercive action against the petitioner as far as his service is concerned. The petitioner shall submit an undertaking stating that he shall not make any claim to be belonging to a Scheduled Tribe and shall not take any benefit on such claim.

4. Rule made partly absolute. The writ petition is accordingly disposed of with no order as to costs.

[A.M. BADAR, J.]

[A.V. NIRGUDE, J.]