

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4822 OF 2014

AJAY DHANSING DAHOLIYA
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Talekar S.B.
AGP for Respondents State: Mr.G.K.Thigale
Kain Rakesh Nemichandji For R.2

...

**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 9th February, 2015.

P.C. :

We have heard learned counsel for the petitioner. The learned counsel submits that in view of the judgment of the Apex Court in the case of **A.P.Ramtekkar and others V/s Union of India and others reported in 2013 (2) Mh.L.J. 419** and the judgment of the Apex Court in the case of **State of Maharashtra V/s Milind and others reported in (2001) 1 S.C.C. 4**, the petitioner is entitled for protection in service.

2] Petitioner has been terminated only on the ground that he could not produce validity certificate. The petitioner belongs to Thakur Scheduled Tribe and as per the Government Resolution of 1995 protection is granted to persons who have been appointed

from Scheduled Tribe category.

3] We have heard learned AGP also. In view of the judgment of Full Bench of this Court in the case of **Arun Sonune V/s State of Maharashtra and others reported in 2015 (1) Mh.L.J. 457**, protection can be only granted if the caste claim/tribe claim is invalidated otherwise than fraud and appointment of petitioner is made prior to the enactment of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance of Verification of) Caste Certificate Act, 2000 (23 of 2001).

4] The said Act has come into effect from 18/10/2001. The petitioner is appointed in the year 2003. Even the validation proceedings till date are not referred to the committee. In light of that the petitioner cannot seek protection.

5] Writ Petition as such is dismissed. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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