

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5293 OF 2013

BALWANT SHRAVANRAO TAROLE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER

...
Advocate for Petitioner : Barlinge S.R. And P.v. Suryawanshi
AGP for Respondents: Mr.G.K.Thigale
...

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

DATED : 23rd FERUARY, 2015

P.C. :-

Leave to place on record copies of the judgment of the scrutiny committee is granted.

2] Mr.Barlinge, learned counsel submits that the petitioner is terminated on account of invalidation of his tribe claim. The judgment invalidating tribe claim of the petitioner is also upheld by this Court. According to the learned counsel, there is no finding of any fraud, misrepresentation or forgery by the committee against the petitioner. The learned counsel submits that in view of the judgment of the Full Bench of this Court in the case of **Arun Sonone Versus State of Maharashtra and others reported in 2015(1) MLJ 457**, the petitioner is entitled for protection in service, wherein the Full Bench has held that reinstatement can be granted.

3] Mr.Thigale, learned Additional Govt.Pleader submits that in view of the invalidation of the tribe claim of the petitioner, petitioner is

rightly terminated from service. The petitioner cannot claim any benefit.

4] We have considered the judgment delivered by the committee so also this Court. The petitioner could not prove his tribe claim as belonging to Koli Mahadeo Scheduled Tribe in view of contra evidence and lack of evidence. However, pursuant to the judgment of the committee, there is no finding of any fraud, misrepresentation or forgery on the part of petitioner. In light of the judgment of Full Bench of this Court in the case of Arun Sonone referred supra, the petitioner can be given protection in service, however with certain conditions.

5] In light of above, we pass following order :

a] The impugned order terminating the services of the petitioner is quashed and set aside.

b] Respondent shall reinstate the petitioner on his original post held by him on the date of his termination. However, he shall not be entitled for benefits of reservation in service or in any walk of life. The petitioner shall not be entitled for any backwages from the date of termination till the date of this order. However, service from the date of appointment shall be counted for the purpose of continuity and other retiral benefits.

c] Entry of this order shall be taken in Service Book of the petitioner. His tribe certificate shall stand cancelled and confiscated.

6] Writ Petition is accordingly disposed of with aforesaid observations. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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