

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE, BENCH AT AURANGABAD

**WRIT PETITION NO.6827 OF 2015
WITH
WRIT PETITION NO.6856 OF 2015**

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders
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Mr.A.R.Devakate, advocate for the petitioners.
Mr.K.G.Patil, Addl. Govt. Pleader for the State.

**CORAM : S.V.GANGAPURWALA &
V.K.JADHAV, JJ.
Date : 05.08.2015.**

PER COURT :

1. Heard.
2. Mr.Devakate, learned counsel submits that the petitioners were appointed in the year 1982 and 1983 with the Respondents. Their tribe claim has been invalidated in the year 1996. The petitioner in W.P.No.6827/2015 was granted promotion in the year 1996. Thereafter, has not been given any benefits of reservation. The petitioner in W.P.No.6856/2015 was granted promotion in the year 2007 but from open category. The learned counsel submits that the tribe claim of the petitioner has been invalidated on account of lack of evidence. There is no finding of fraud, misrepresentaion or forgery. The learned counsel submits that the petitioner is

entitled for protection in service as per judgment of the Full Bench of this Court in a case of **“Arun S/o Vishwanath Sonone Vs. State of Maharashtra and others”** reported in **2015 (1) Mh.L.J.457**.

3. Mr.Patil, learned Addl. Govt. Pleader states that as the petitioner is appointed from reserved category and his tribe claim is invalidated, the petitioner can not claim any protection.

4. We have gone through the judgment delivered in the validation proceedings. The petitioners could not produce any evidence to substantiate their claim of belonging to 'Mannerwarlu' Scheduled Tribe. There is no finding of any misrepresentation, fraud or forgery by the Committee. The petitioners as such are entitled to the protection as is held by the Full Bench of this Court in the case of **“Arun S/o Vishwanath Sonone Vs. State of Maharashtra and others”** referred supra.

6. In the result, we pass the following order :

a) The Respondents shall not take any adverse action against the petitioners on the ground that their tribe claim is invalidated. However, it is also made clear that the petitioners would not be entitled for any benefits of reservation after the year 2000, nor shall they claim any further benefit of reservation in service or in any walk of life. The entry of this be taken in the service book of the petitioners.

b) The Writ Petition is accordingly disposed of. No costs.

(V . K . JADHAV , J .)

(S . V . GANGAPURWALA , J .)

Dt.05.08.2015.
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