

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6984 OF 2014
WITH CA/2091/2015 IN WP/6984/2014

VAISHALI KASHINATH AKUSKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Pradeep Deshmukh h/f Mr. Rudrawar S. G.
AGP for Respondents: Mr. K.M. Suryawanshi
Advocate for Respondent No.6 : Mr. A.B. Tele

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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 10th JUNE, 2015

P.C. :-

1. Though notice is served upon respondent Nos. 3 to 5, none appears for respondent Nos. 3 to 5.
2. The caste certificate of the petitioner as belonging to Lingder scheduled caste is invalidated. Vide present writ petition, the petitioner does not challenge the judgment of the committee, however seeks protection in service on the ground that the petitioner was appointed as Assistant Teacher in the year 1993. According to the learned counsel for the petitioner, finding is recorded by the committee that the petitioner could not prove her case as belonging to Lingder scheduled caste, as such, the said certificate has been

invalidated. However, there is no finding of fraud or misrepresentation. Learned counsel relies upon the judgment of Full Bench of this Court in the case of ***Arun Vishwanath Sonone vs. State of Maharashtra and others, reported in 2015 (1) Mh.L.J. 457.***

3. Mr. Tele, learned counsel for the respondent No.6 submits that petitioner did not have any evidence. It has been observed by the committee that the petitioner has given wrong information. The petitioner is not entitled even to the protection in service.

4. Respondent No.6 was the complainant before the committee. The caste claim of the petitioner as belonging to Lingder scheduled caste has been invalidated. The petitioner is appointed from scheduled caste category as an Assistant Teacher with respondent No.5 school. We have perused the judgment delivered by the committee. The committee has not given any finding about fraud or misrepresentation on the part of the petitioner. It has been observed that record is not available with the Tashil office about certificate issued. As such, no conclusion can be drawn that there was fraud on the part of the petitioner in obtaining the certificate. It is also submitted that the petitioner has not availed benefit of reservation for the purpose of any promotion or otherwise. Today also the petitioner

is working as Assistant Teacher.

5. Considering all the aforesaid aspects of the matter, the petitioner would be entitled for protection in service in view of the judgment of Full Bench of this Court in the case of Arun Sonone (supra). However, the petitioner would not be entitled to the benefits of reservation in her service or any walk of life. In the result, we pass the following order:-

ORDER

- I. The respondent employer shall not take any adverse action against the petitioner only on the ground that her caste claim is invalidated.
- II. The petitioner shall not be entitled for the benefit of reservation in employment or in any walk of life.
- III. The Entry of this order shall be taken in the service book of the petitioner.
- IV. The caste certificate of the petitioner shall stand confiscated by the committee

- V. The petitioner shall also file undertaking to the effect that she would not claim any benefit of reservation in employment or any walk of life.
- VI. Writ petition accordingly stands disposed of with the aforesaid directions and observations. No costs.
- VII. Civil application also stands disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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