

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE, BENCH AT AURANGABAD

Office Notes, Office
Memoranda of Coram,
appearances, Court's
orders or directions
and Registrar's orders

Court's or Judge's orders

WRIT PETITION NO. 7772 OF 2015

VIKAS YUVARAJ SARJE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr.Wakure Sanjay A.

AGP for Respondents/State: Mr.A.G. Magre.

Advocate for R.No.2 : Mr.D.S. Bagul.

Advocate for Respondent 3 : Mr.Bade Patil K.D.

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CORAM : S.S. SHINDE & A.M. BADAR, JJ.

Dated: OCTOBER 21, 2015

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Heard learned Counsel for the petitioner and
the learned AGP for the State and learned Counsel
for respondent No.3.

2 Placing reliance on the judgment of the Full
Bench of this Court in the case of **Arun
Vishwanath Sonone vs. State of Maharashtra
and others (2015(1) Mh.L.J. 457)** and the
judgment of this Court in case of **Prakash s/o
Motiram Piratwad vs. The State of
Maharashtra and ors.**, in Writ Petition No.7434 of

2011 delivered on 26th June, 2015, the learned Counsel for the petitioner submits that the petitioner is entitled for protection in service. He, therefore, submits that petition deserves to be allowed in the light of aforesaid judgments.

3 The learned AGP submits that the action has been rightly taken. Merely because no case of any fraud being played in obtaining the caste certificate is made out, that by itself would not be sufficient to contend that the consequences specified under Section 10 of the Maharashtra SC, ST, DNT, VJNT and SBC (Regularization of issuance and Verification of Caste Certificates) Act, 2000 would not follow. The petitioner cannot claim for any protection in service.

4 In the light of above, for the reasons recorded in the judgment dated 26th June, 2015 delivered by this Court in Writ Petition No.7434 of 2011 in case of **Prakash s/o Motiram Piratwad** (supra), we pass the following order:

ORDER

I) The order dated 26th April, 2006 issued by respondent No.2 terminating services of the petitioner is quashed and set aside. The respondent No.2 is directed to reinstate the

petitioner in service. However, the petitioner would not be entitled for back wages from 27th April, 2006 till he is reinstated in service. The said period, nonetheless, be counted for continuity in service and for all future retiral and monetary benefits.

II) The petitioner naturally, would not be entitled for the benefit of his Scheduled Tribe category and entry of the same would be taken in the service book of the petitioner.

III) Writ Petition is accordingly partly allowed and disposed of. No costs.

(A.M. BADAR, J)

(S.S. SHINDE, J)

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