

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8064/2009

Annapurna D/o Rachhappa Chikrale
Age 56 years, Occ-Service
R/o Plot No.15, Shashtri Nagar
Aurangabad

..PETITIONER

Versus

- 1] The State of Maharashtra
Through the Principal Secretary
Social Welfare Department
Mantralaya, Mumbai-32
- 2] The SC,VJ,NT,OBC and SBC
Welfare Caste Certificate
Scrutiny Committee No.2
Latur, District Latur
Through the Member Secretary &
Research Officer, Latur.
- 3] The Superintending Engineer
Aurangabad Irrigation Circle
Behind District Court
Aurangabad
- 4] The Executive Engineer
Minor Irrigation Division No.1
Aurangabad Sinchan Bhavan
Aurangabad.

..RESPONDENTS

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Mr.V.G.Sakolkar,Adv. for petitioner.
Mr.K.G.Patil, AGP for respondent State.
Mr.P.R.Tandale,Adv. for R.3 and 4.

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

DATE : 21st January, 2015.

P.C. :

Learned counsel for petitioner seeks leave to amend. Leave to amend is granted.

2] The petitioner assails judgment of the scrutiny committee invalidating the caste claim of the petitioner as Beda Jangam, Scheduled Caste. By amendment, the petitioner has also sought relief against the order of termination and subsequent consequential benefits.

3] Mr.Sakolkar, learned counsel on instructions from the petitioner states that the petitioner would not agitate now against judgment of the committee and would accept the same, and would proceed with the present Petition to the extent of amended prayer clause for grant of retiral benefits as per judgment of the Full Bench of this Court in the case of **Arun Sonune Versus State of Maharashtra and others reported in 2015 (1) MLJ 457**. According to the learned counsel the committee has invalidated caste claim only on the ground of lack of evidence and not on the ground of fraud.

4] Mr.Tandale, learned counsel submits that the petitioner is terminated from the service long back in the year 2008. He had sought appointment on the ground that she belongs to a reserved

class. The appointment was made from the reserved class. Even the petitioner would have attained age of superannuation in the year 2010.

5] We have considered submissions canvassed by learned counsel for respective parties. As the judgment of the committee invalidating caste claim of the petitioner is not agitated as per submission of the learned counsel for the petitioner, the said judgment stands confirmed. The petitioner would not be entitled to the benefits of reservation in any walk of life.

6] We have perused judgment of the committee. The caste claim has been invalidated for lack of evidence. There is no finding of fraud in the said judgment. The petitioner has been terminated during the pendency of the present Writ Petition. The petitioner has also attained the age of superannuation in the year 2010. Considering judgment of the Full Bench of this Court in the case of Arun Sonune referred supra, we pass following order :

a] The judgment of the committee invalidating caste claim of the petitioner stands upheld.

b] Order of termination dated 30/9/2008 is quashed and set aside. However, petitioner will not be entitled for back wages from the date of termination till the date of her superannuation, however, the service of petitioner shall be considered for the purpose of all retiral benefits by

the respondents.

7] Writ Petition is accordingly disposed of with aforesaid observations and directions. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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