

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.7677/2014

Nathu Rajaram Khalale
Age 42 years, Occ-Service
R/o Tamaswadi, Tq. Parola
Dist.Jalgaon

..PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary,
Tribal Development
Mantralaya, Mumbai.
- 2] The Scheduled Tribe
Caste Certificate Scrutiny
Committee, Aurangabad
Region, Aurangabad.
- 3] The Education Officer (Secondary)
Zilla Parishad, Jalgaon
- 4] The Secretary
Nagrik Shikshan Mandal
High School & Junior College
Tamaswadi, Tq. Parola, Dist.Jalgaon
- 5] The Head Master
Nagrik Shikshan Mandal
High School & Junior College
Tamaswadi, Tq. Parola, Dist.Jalgaon. ..RESPONDENTS

...
Mr.E.S.Murge,Adv. for petitioner
Mr.P.N.Mulay,AGP for Respondent State
Mr.Bade Patil,Adv. For respondent no.2

Mr.V.R.Bhoomkar,Adv. For R. 4 & 5

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

DATE : 15th January, 2015.

P.C. :

Mr.Murge, learned counsel for petitioner submits that the caste certificate is rejected by the authority on technical ground. The petitioner is working as a Peon since 1995 after being appointed through valid selection committee. According to the learned counsel, in view of the judgment of the Full Bench of this Court in the case of **Arun Sonune V/s State of Maharashtra and others** dated 22/12/2014, the petitioner is entitled for protection in service as the Committee has nowhere held that the said certificate is obtained by fraud.

2] We have heard Mr.Bade Patil, learned counsel for the Committee and Mr.Bhomkar, learned counsel for employer.

3] It is not disputed that the tribe claim of the petitioner is not validated, however, the same is rejected on technical ground. The committee has nowhere come to the conclusion that the said certificate is obtained by fraud. The petitioner is appointed as a Peon in the year 1995.

4] In view of the judgment of the Full Bench of this Court in the case of Arun referred supra, the petitioner would be entitled for protection in service, however, henceforth he shall not be entitled

for any benefit of reservation either for promotion or for any other purposes.

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

a] Service of the petitioner shall not be terminated on the ground that his tribe claim is not validated, however, henceforth the petitioner shall not claim any benefit of reservation for promotion or otherwise in service or in any walk of life. The petitioner can be considered from open category for all service purposes.

6] Writ Petition is accordingly disposed of. No costs. This order is passed in the peculiar facts of the present case and shall not be considered as a precedent.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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