

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.159 OF 2015

Shri Sudhakar Vishwanathrao Gadlawar,
Age-49 years, occu:Peon with the Beed
District Central Co-op. Bank Ltd.,
Branch-Ashti, Tq-Ashti, Dist-Beed,
R/o-Ashti, Tq-Ashti, Dist-Beed.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Department of Tribal Development,
Mantralaya, Mumbai-32,
Through its Secretary,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee,
Amravati Division, Amravati,
Through its Member Secretary,
- 3) The Taluka Executive Magistrate,
Akola, Dist-Akola,
- 4) The General Manager,
Beed District Central Co-op. Bank Ltd.,
Head Officer, Rajuri Ves, Beed.

...RESPONDENTS

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Mr.S.C. Yeramwar Advocate for Petitioner.
Mrs.M.S. Patni, A.G.P. for Respondent Nos.1
and 3.
Mr. K.D. Bade Patil Advocate for Respondent No.2.
Mr. V.N. Upadhye Advocate for Respondent No.5.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 31ST MARCH, 2015

ORAL ORDER :

1. Mr. Yeramwar, learned counsel for the Petitioner submits that Committee has come to the conclusion that the caste certificate of the Petitioner is suspicious, only on the ground that the register of the year of 1985 i.e. of the date when the certificate was issued, is not available with the office of Tahsildar. According to the learned counsel, only because the caste claim is invalidated, the services of the Petitioner cannot be terminated. The Petitioner is ready to give an undertaking that the Petitioner would not claim any benefit of reservation. Learned counsel relies on the 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.

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

3. The Committee has observed that the caste certificate produced by the Petitioner is suspicious. The benefit of the Judgment of the Full Bench of this Court in a case of **Arun s/o Vishwanath Sonone vs. State of Maharashtra and others**, referred supra, can be given to the Petitioner only if the Committee, upon examination of the evidence, invalidates the caste claim and further there is no finding of fraud, forgery or misrepresentation.

4. In present case the Petitioner had not at all appeared before the Committee and the Committee found that the caste certificate produced by the Petitioner itself is suspicious.

5. It is found that the Tahsildar has stated in the letter that register of the year 1985 is not found. It is not a case that register is available and entry of the caste certificate of the Petitioner is not in the register.

6. In light of above, the Respondent No.2 - Committee is required to decide the caste claim of the Petitioner on the basis of said certificate and will not look it as a suspicious document.

7. The Petitioner is required to appear before the Committee and thereafter the Committee would come to a conscious decision.

8. In light of the above, impugned order is quashed and set aside. The Petitioner shall appear before Respondent No.2 - Committee on 20th April 2015 at 11.00 a.m. The Respondent No.2 - Committee shall, after observing principles of natural

justice, decide the said proceedings afresh, expeditiously, preferably within a period of SIX MONTHS.

9. The question whether the Petitioner is entitled for protection in service as he is appointed prior to coming into force the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, would be considered in tune with the Judgment of the Committee.

10. Till the decision of the Committee, the Respondent No.5 - employer shall not take any adverse action against the Petitioner only on the ground that validity certificate is not yet submitted.

11. The Writ Petition, accordingly, disposed
of. No costs.

[A.I.S.CHEEMA, J.]

asb/MAR15

[S.V. GANGAPURWALA, J.]