

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 542 OF 2014

Ravindra Rameshwar Aade

-vs-

Divisional Controller, Mah.STate Road Transport Corpn.Buldana and another

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

Court's or Judge's Orders.

Mr.Mangesh Bute, counsel for the petitioner.
Mr.V.G.WAnkhede, counsel for the respondent No.1.
None for the respondent No.2.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 25.03.2015.

Heard.

Initially, the petitioner had challenged the order of the Scrutiny Committee dated 27/12/2013 invalidating the claim of the petitioner of belonging to Mahadeo Koli Scheduled Tribe. However, it is stated on behalf of the petitioner by the learned counsel that the petitioner does not press the prayer challenging the order of the Scrutiny Committee and restricts the petition only in respect of the prayer for protection of his services.

It is stated on behalf of the petitioner that the services of the petitioner are required to be protected as the petitioner was appointed in the year 1997 and the case of the petitioner is squarely covered by the judgment reported in **2015 (1) Mh.L.J. 457 (Arun v. State of Maharashtra)**. It is stated that there is no observation in the order of the Scrutiny Committee that the petitioner has falsely secured the caste certificate or the claim of the petitioner is fraudulent.

On hearing the learned counsel for the parties and on a perusal of the order of the Scrutiny Committee along with the judgments of the Hon'ble Supreme Court and this Court, specially the judgment reported in 2015 (1) Mh.L.J. 457, it appears that it would be necessary to protect the services of the petitioner as the petitioner was appointed in the year 1997 and there is no observation in the order of the Scrutiny Committee that the claim of the petitioner is false or fraudulent.

Hence, for the reasons recorded in the judgment reported in 2015 (1) Mh.L.J. 457, the writ petition is partly allowed and the services of the petitioner are protected subject to the petitioner furnishing an undertaking to the respondent-Corporation and also to this Court within a period of 15 days that neither the petitioner nor his progeny would seek the benefits available to the persons belonging to Mahadeo Koli Scheduled Tribe in future.

Order accordingly. No costs.

JUDGE

JUDGE