

IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR
BENCH, NAGPUR.

WRIT PETITION NO.600 OF 2014
Vasant Kumar S/o Narayanrao Nandanwar

..VS..

**Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Akola, thr its Registrar
and ors**

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

Court's or Judge's order

Shri R.S. Parsodkar, counsel with Shri Amit Balpande, Adv.
for the petitioner.
Shri N.D. Khamborkar, counsel for R-1.
Shri K.P. Sadawarte, counsel for R-3.

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.**
DATE : JANUARY 8, 2015.

1. **Heard** learned counsel appearing for both the parties.

2. The petitioner was born on 29.4.1961. He got the employment on 8.8.1985 as a Scheduled Tribe Candidate. He has Caste Certificate dated 7.4.1983, which shows that he belongs to caste "Halbi" (Scheduled Tribe). His caste claim has been invalidated on 8.1.12014 by respondent No.3 – The Scheduled Tribe Caste Certificate Scrutiny Committee, Amravati.

3. Shri R.S. Parsodkar, learned counsel,

.....2/-

submits that, when the caste certificate was obtained and on that basis the employment was acquired, there was confusion in relation to castes “Halba-Koshti” and “Halba-Halbi”. The confusion was cleared by the direction of this Court in the case of Milind Katware ..vs.. State of Maharashtra reported at 1987 Mh.L.J. 572 and that judgment has been reversed by the Honourable Apex Court in the case of State of Maharashtra ..vs.. Milind Katware, reported at 2001(1) Mh.L.J. 1. However, while so doing because of confusion prevailing, the Honourable Apex Court itself granted the protection. That protection has been maintained, thereafter, by various judgments including very same judgment in the case of Arun Sonone ..vs.. State of Maharashtra & ors, reported at 2015(1) Mh.L.J. 457.

4. The facts are not in dispute. The confusion prevailing, is judicially recognized.

5. In this situation, when the petitioner has given up his caste claim, as belonging to Scheduled Tribe, by filing appropriate affidavit before the Caste Scrutiny Committee on

3.12.2013 itself, it is apparent that his services cannot be disturbed.

6. Accordingly, we declare that the impugned order passed by the Caste Scrutiny Committee shall not have the effect of disturbing the employment of the present petitioner.

However, the petitioner shall file an undertaking that in future he or his progeny shall not claim any status or benefits as belonging to Scheduled Tribe.

7. Subject to filing of such undertaking, the services of the petitioner are protected.

The writ petition is thus partly allowed and disposed of with no order as to costs.

JUDGE

JUDGE

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