

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

WRIT PETITION NO.650 OF 2014

Ramesh S/o Laxman Parate

..vs..

State of Mah., thr its Secretary, Department of Agriculture,
Mantralaya, Mumbai and ors

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

Court's or Judge's order

Shri K. Nalamwar, Counsel for the Petitioner.
Shri A.S. Fulzele, Assistant Government Pleader for R-1. Shri
Shri N.D. Khamborkar, Counsel for R-2 & 3.
Shri K.P. Sadavarte, counsel for R-4.

CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
DATE : FEBRUARY 2, 2015.

1. Heard learned counsel appearing for the respective parties.

2. The petitioner, who joined employment in the year 1983 as “Halba” (Scheduled Tribe Candidate), seeks

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relief of protection in the employment in terms of the Full Bench Judgment of this Court in the case of Arun S/o Vishwanath Sonone ..vs.. State of Mah. & ors, reported at 2015(1) Mh.L.J. 457.

3. This Court while issuing notice on 5.2.2014 has protected the employment of the petitioner.

4. The petitioner is born on 13.2.1958 and got the Caste Certificate, which shows him as a person belonging to caste “Halba” (Scheduled Tribe), on 21.6.1974. On the basis of that Caste Certificate, he got employment in the year 1983.

5. The Caste Certificate of the petitioner was pending for verification on 31.10.2011 when he was reverted for not submitting his

Caste Validity Certificate.

6. Before the Caste Scrutiny Committee, the petitioner filed an undertaking / affidavit and gave up claim as belonging to caste “*Halba*” (Scheduled Tribe).

7. After hearing Shri K. Nalamwar, learned counsel for the petitioner, Shri K.P. Sadavarte, learned counsel for respondent No. 4 – Caste Scrutiny Committee, Shri A.S. Fulzele, learned Assistant Government Pleader for respondent No.1, and Shri N.D. Khamborkar, learned counsel for respondent Nos.2 and 3, we find that the caste claim of the petitioner has been invalidated because of old documents found out by the Caste Scrutiny Committee. Those old documents recorded caste as “*Koshti*”. However, all old documents the petitioner placed reliance on including the family tree

given by him, mentioned caste as “*Halba*” only.

8. The Caste Scrutiny Committee has not recorded a finding that the old documents submitted by the petitioner was either fabricated or tampered with. There is no finding that the petitioner himself is guilty of committing any fraud or falsehood was then practised. We, therefore, find that the petitioner is entitled for protection in his services in terms of the Full Bench Judgment of this Court cited *supra*.

9. Subject to petitioner’s furnishing an undertaking with the Registry of this Court so also his employer, within a period of six weeks from today, that neither he nor his progeny shall claim any benefits of or status as belonging to “*Scheduled Tribe*”, the services of the petitioner are protected as per the directions of the Full Bench Judgment cited *supra*.

10. Thus, the writ petition is partly allowed and disposed of with no order as to costs.

JUDGE

JUDGE

!! BRW !!

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