

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

WRIT PETITION No. 780/2014.

Dinkar Atmaram Bhisikar

VERSUS

The Union of India and others.

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

Court's or Judge's orders.

CORAM : B.P. DHARMADHIKARI
AND A.P. BHANGALE, JJ.

DATE : FEBRUARY 18, 2015.

Petitioner born on 18.09.1975, got caste certificate on 01.07.1992 showing that he belongs to Halba, Scheduled Tribe. On that basis, he got employment on 23.06.1997. His caste claim came to be forwarded for scrutiny and verification on 29.06.2005 i.e. after 8 years of his joining employment, and the same has been invalidated after 9

more years i.e. on 18.01.2014.

After hearing Shri Joshi, learned Counsel holding for Ms. G. Tiwari, learned Counsel for the petitioner, Shri Rohit Deo, learned A.S.G.I. for respondent nos.1 to 3 and Shri A. Deshpande, learned Counsel for respondent no.1, we find that all the documents of petitioner record his caste as “Halba”. There is no finding of any tampering or interpolation, in so far as those documents are concerned. Vigilance Cell found old documents of uncle and other blood relatives which recorded caste as “Koshti”. On that basis, caste claim has been invalidated.

As such we find that the petitioner is entitled to grant of protection. Hence, Subject to petitioner filing an undertaking with the Registry of this Court as also with his employer within a period of six weeks from today, that neither he nor his progeny shall claim the benefit or status as a Scheduled tribe candidate/person, his service shall remain protected in terms of Full Bench judgment of this Court in case of Arun Vishwanath Sonone .vrs. State of Maharashtra

and others (2015 (1) Mh.L.J. 457).

In view of above, Writ Petition is, partly
allowed and disposed of. No costs.

JUDGE

JUDGE

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