

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

WRIT PETITION NO. 788 OF 2014

(Uttam s/o Maroti Bokde vs. The State of Maharashtra thr. its Secretary, Tribal Development Department
& Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.P. BHANGALE, JJ.
JANUARY 19, 2015.**

Heard Shri Narnaware, learned counsel for the petitioner, Shri Rode, learned AGP for respondent Nos. 1 & 3 and Shri Autkar, learned counsel holding for Smt. Dangre, learned counsel for respondent No. 2.

Shri Narnaware, learned counsel has argued the present writ petition only for seeking relief of protection in the employment. Thus, challenge to adverse order of the Scrutiny Committee dated 16.01.2014 invalidating the caste claim as belonging to Halba Scheduled Tribe has been given up.

After hearing respective counsel, we find that the petitioner is born on 16.06.1970 and he obtained caste certificate showing him as belonging to Halba Scheduled Tribe on 18.07.1988 after attaining the age of 18 years. He got the employment as a Clerk on 06.04.1999 and his caste claim has been referred for the first time for verification on 18.04.2007 and has been invalidated on 16.01.2014.

Insofar as the documents like his School

Record and Service record are concerned, the same show his caste as Halba Scheduled Tribe. The documents of uncle and his other relatives record the caste as Koshti. However, the Scrutiny Committee has not come across any material and has not recorded a finding that the petitioner has practiced falsehood or played any fraud while obtaining caste certificate on 18.07.1988 or while obtaining employment on 06.04.1999.

This situation is already evaluated by this Court in some of its orders passed later on by placing reliance upon Full Bench of this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., reported at 2015 (1) Mh.L.J. 457 (FB), and protection has been given to such persons.

We accordingly extend the same treatment to the present petitioner subject to the petitioner filing an undertaking that he or his progeny shall not claim and take advantage of any benefit flowing from the invalidated caste certificate as a Scheduled Tribe candidate, within a period of six weeks from today with his employer and with the Registry of this Court. Subject to this, we direct that the adverse orders of the Scrutiny Committee shall not affect the employment given to him which shall remain protected as per Full Bench judgment (supra).

Writ Petition is thus partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE