

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

WRIT PETITION NO.890 OF 2015

(Surendra Shrikant Wade Vs. Shamkimata Shikshan Va Krida Prasarak Mandal, Umari & others)

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

Court's or Judge's orders

Shri S. P. Kshirsagar, Advocate for the petitioner.
Shri S. V. Sohoni, Advocate for respondents No. 1 & 2.
Shri M. Pathan, A.G.P. for respondent No.3.

**CORAM : B. P. DHARMADHIKARI
& S. B. SHUKRE, JJ.**

DATED : 20 MARCH, 2015

Petitioner born on 18/6/1969 got caste certificate showing him as a person belonging to 'Halba'-Scheduled Tribe on 12/8/1986, when he was minor. On that basis, on completing the education, he got employment on 17/8/1999. His caste claim was forwarded for verification on 06/6/2003 and has been invalidated on 04/7/2005. In the meanwhile, the petitioner got certificate as Special Backward Class. He, therefore, did not challenge the invalidation order.

The management, thereafter, because of the resolution of the State Government dated 30/6/2004, issued him a show cause notice.

The petitioner continues in employment even today and he approached this Court challenging show cause notice dated 14/02/2015.

This Court on 20/02/2015 while issuing notice protected his employment.

We have heard Shri Kshirsagar, learned Counsel for the petitioner, Shri Sohoni, learned Counsel for respondents No. 1 and 2 and Shri Fulzele, learned A.G.P. for respondent No.3.

It is not in dispute that all records of the petitioner show his caste as 'Halba'. The Vigilance authority find out old documents, which reveal the caste as 'Koshti'. Thus, because of old documents, the later documents have been ignored. However, insofar as the records of the petitioner are concerned, there is no finding of any interpolation or tampering. Similarly, the Committee has not found that he has practised any falsehood or fraud. In this situation, the petitioner is entitled to get benefit of protection in terms of Full Bench Judgment of this Court in the case of Arun Vishwanath Sonone Vs. State of Maharashtra and others - **2015 (1) Mh.L.J. 457**.

Accordingly, the Writ Petition is partly allowed.

Show Cause Notice dated 14/02/2015 is quashed and set aside.

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 status and benefit as 'Halba'-Scheduled Tribe candidate in future, his service shall stand protected in terms of Full Bench Judgment of this Court mentioned supra.

In the circumstances of the case, there shall be no order as to costs.