

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.2666 OF 2014

Satish S/o Yashwantrao Ninawe

-vs-

C.E.O., Z.P.Gadchiroli and another

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

Court's or Judge's Orders.

Mr.S.R.Narnaware, counsel for petitioner.

CORAM : B.P.DHARMADHIKARI &
A.S.CHANDURKAR, JJ.

DATE : 28.01.2015.

Heard Advocate Shri Narnaware for petitioner.

Only prayer is to protect employment of
petitioner in the light of Full Bench judgment reported in
**2015 (1) Mh.L.J. 457 (Arun Vishwanath Sonone v. State
of Maharashtra and others).**

Petitioner born on 07/09/1974 got a caste certificate which described as Halba Scheduled Tribe. When he was 16 years i.e. on 17/01/1990 he completed his education on the strength of that certificate and got employment as Laboratory Technician on 31/03/1999 and his caste claim sent for verification for the first time on 04/06/2007 and was invalidated on 04/01/2008. That invalidation was questioned in Writ Petition No.2865 of 2008. Said writ petition was dismissed in default i.e. for want of prosecution on 11/08/2008 and has not been restored thereafter.

The present petition has been filed by placing reliance upon various judgments to urge that as petitioner continues in employment, the adverse order of Scrutiny Committee should not be used to its prejudice.

Perusal of order of Scrutiny Committee, discloses that petitioner relied upon documents pertaining to himself in which his caste was recorded as “Halba”. The Vigilance Cell Authority found a document of grandfather which recorded caste of said grandfather as “Koshti” on 01/03/1932.

Scrutiny Committee has not recorded any findings of tampering or interpolation in any of the records pertaining to petitioner. There is no finding otherwise on caste or tribe of his father or other blood relatives.

In this situation, in the light of Full Bench judgment mentioned *supra*, we find petitioner entitled to protection.

Accordingly, subject to petitioner filing an undertaking with the Registry of this Court and with his employer within six weeks from today that neither he, nor his progeny shall claim status as Halba Scheduled Tribe person, we declare that petitioner's service shall stand protected as per Full Bench judgment mentioned *supra*.

Thus, writ petition is partly allowed and disposed of. No costs.

JUDGE

JUDGE