

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

WRIT PETITION NO. 1469 of 2015

(Kishor s/o Moreshwar Parate Vs. Joint Commissioner & Vice Chairman,
 Scheduled Tribe Caste Certificate Scrutiny Committee, Nagpur and ors.)

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

Court's or Judge's order

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

DATE : 20-4-2015.

Heard Shri S. R. Narnaware, learned Advocate for the petitioner, Shri Joshi, learned Advocate for the respondent no. 1 and Shri Anand Parchure, learned Advocate for the respondent nos. 2 and 3.

Caste claim of the petitioner as belonging to Halba, Scheduled Tribe has been invalidated on 3-3-2015. This Court while issuing notice in the matter on 20-3-2015 protected his employment.

After hearing the respective counsel, we find that the petitioner is born on 28-10-1973 and he got Caste Certificate on 27-5-1982 when he was about 9 years old. On the basis of that Caste Certificate, he completed his studies and got employment on 6-9-1995. Caste Certificate has been sent for its verification on 2-4-2007,

.....2/-

that is after 12 years after joining employment and it has been invalidated after 20 years of joining.

The records of the petitioner mentioned his caste as Halba only. The Committee did not find any tampering or interpolation in his school records. On the strength of documents of ancestors, which records caste of Koshti, Caste Certificate has been invalidated. Scrutiny Committee did not find any fraud or falsehood.

In this situation, we find the petitioner entitled to protection in services in terms of judgment of the Full Bench of this Court in the case of *Arun Vishwanath Sonone Vs. State of Maharashtra and ors.* reported at **2015(1)Mh.L.J. 457**. Accordingly, subject to filing of an undertaking, within period of six weeks from today with the Registrar of this Court and also with his employer that neither the petitioner nor his progeny shall claim status and benefits as belonging to Scheduled Tribe, the services of the petitioner shall remain protected in accordance with the Full Bench judgment mentioned supra.

The writ petition is partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

wasnik

...../-