

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

WRIT PETITION NO.1725 OF 2014

**Sandhya D/o Avinash Mendhekar (after marriage Smt. Sandhya
W/o Milind Wakdikar)**

..vs..

**Scheduled Tribe Certificate Scrutiny Committee, thr its Member
Secretary, Adiwasi Vikas Bhawan, Nagpur and another**

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

Court's or Judge's order

**Shri R.S. Parsokar, Counsel for the Petitioner.
Mrs. Bharti Dangre, Counsel for Respondent No.1
Mrs. G. Venkatraman, Counsel for Respondent No.2.**

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : FEBRUARY 17, 2015.**

1. Heard Shri R.S. Parsodkar, learned counsel for the petitioner, Mrs. Bharti Dangre, learned counsel for respondent No.1 – Scheduled Tribe Certificate Scrutiny Committee, and Mrs. G. Venkatraman, learned counsel for respondent No.2.

2. Order of respondent No.1 – Caste Scrutiny

.....2/-

Committee dated 12.3.2014, invalidating the caste claim of the petitioner as belonging to caste "*Halba*" (Scheduled Tribe), is assailed in this writ petition.

3. On 3.4.2014, while issuing notices in the matter, this Court has protected employment of the petitioner.

4. After hearing learned counsel appearing for the respective parties, we find that the petitioner born on 10.9.1970, got the Caste Certificate showing that she belonged to caste as "*Halba*" (Scheduled Tribe) on 8.7.1986 i.e. when she was hardly sixteen years of her age. On the strength of that Caste Certificate, she got employment on 20.8.1996. The caste claim of the petitioner has been sent for its verification to the Caste Scrutiny Committee, after eleven years i.e. in June, 2007, and it has been invalidated on

12.3.2014.

5. All documents of the petitioner consistently recorded her Caste as “Halba” (Scheduled Tribe). The real sister of the petitioner has also been given Caste Validity Certificate as belonging to caste as “Halba” (Scheduled Tribe) before coming into force of The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.XXIII of 2001) and without any Vigilance enquiry.

6. The impugned order by the Caste Scrutiny Committee does find any tampering or interpolation in school records of the petitioner. The Vigilance Authority has found old

documents of petitioner's father and her other relatives which recorded Caste as "*Koshti*". Because of those old documents, the caste claim of the petitioner has been invalidated.

7. We, therefore, find that the petitioner is entitled for protection of services in terms of the Judgment of the Constitution Bench of this Court in the case of **Arun S/o Vishwanath Sonone ..vs.. State of Maharashtra & ors.** reported at **2015(1) Mh.L.J. 457.**

8. Accordingly, subject to petitioner's filing an undertaking with the Registry of this Court and with her employer within a period of six weeks from today that neither she nor her progeny shall claim any benefits of or status as belonging to community as "*Scheduled Tribe*", we declare that she is entitled for protection in services in terms of the Judgment of the Full

Bench of this Court in the case of Arun S/o Vishwanath Sonone cited *supra*.

9. Thus, the writ petition is partly allowed and disposed of in above terms. However, there shall be no order as to costs.

JUDGE

JUDGE

!! BRW !!

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