

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

Writ Petition No.1921 of 2014

(Namdeo s/o.Kawadu Katgude .vs. Union of India, Ministry of Personnel, Public
Grievance and Pensions Department of Personnel and Training and Ors.)

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

Court's or Judge's orders

Mr.R.D.Bhuibhar, Adv. for the petitioner.
Mr.Rohit Deo, ASGI for respondent nos. 1 to 3.
Mr.Dangre, Adv. for respondent no.4.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.

DATE : 23rd JANUARY, 2015.

Heard.

Mr.R.D.Bhuibhar, learned Counsel for the petitioner argues the matter only to claim protection in the employment. This Court, on 16.4.2014, while issuing notice in the matter, had granted status-quo. Hence, the petitioner continues in the employment.

The petitioner is born sometime in the year 1975 and he obtained caste certificate on 8.8.1988 which shows that he belongs to 'Halba' Scheduled Tribe. Thus, the certificate was obtained when the petitioner was hardly 13 years old. On the strength of the certificate, he carried his education and was given employment on 11.7.1996. For the first time, on 7.6.2007, his caste certificate was forwarded for verification and it has been invalidated on 13.12.2013.

Perusal of order of invalidation dt.13.12.2013

shows that the petitioner relied upon his educational documents which record his caste as 'Halba'. Their documents are not found to be tampered with or interpolated.

There are old documents of the years 1931, 1919, 1921, 1952, 1955 referred to by the Scrutiny Committee in paragraph 4 of its order. All those old documents record caste as “Koshti”.

It is not in dispute that caste “Koshti” is recognized as a special backward category caste vide State Government's G.R. dt.15.6.1995.

In this situation, in the light of the Judgment of Full Bench of this Court reported in 2015 (1) 457, Arun Vishwanath Sonone .vs. State and Ors., and Office memorandum issued by respondent no.1 dt.10.8.2010, the petitioner is entitled to protection of his employment.

Accordingly, subject to the petitioner filing an undertaking with this Court and with his employer that neither he nor his progeny shall claim benefit or status of Scheduled Tribe within six weeks from today, we declare that the petitioner shall be entitled to protection as laid down by Full Bench of this Court in its Judgment (mentioned supra).

The Writ Petition is, thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE