

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

WRIT PETITION NO.2200 OF 2014.

Ashish Uttamsingh Gothwead ..vs.. Divisional Caste Certificate Scrutiny Committee 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.S.R.Narnaware, Adv. for the petitioner.
 Mrs.B.P.Maldhure, AGP for respondent no.1, 5 & 6.

**CORAM : B.P.DHARMADHIKARI AND
 P.N.DESHMUKH, JJ.**

DATED : AUGUST 26, 2015.

Present petition is pressed only to claim protection in employment. This Court has while issuing notice in the matter on 30th of April, 2014 directed to maintain status quo and accordingly petitioner continues in employment.

After hearing Shri Narnaware, learned counsel for the petitioner and Mrs.Maldhure, learned AGP for the respondent no.1, 5 and 6 and Advocate Shri Purohit appearing for respondent nos.2 to 4, we find that petitioner got caste certificate showing that he belongs to caste 'Rajput Bhamta' on 29th of June, 1993. He was born on 4th of March, 1996 and thus basic document is issued to him is when he had not even completed 18 years of his age. On the basis of that document he completed his education and joined the employment on 28th of January, 2000.

Scrutiny Committee has found that in admission register of petitioner in school, caste earlier recorded was 'Thakur' and after striking it out caste 'Rajput Bhamta' has been mentioned. However, order of Scrutiny Committee and report of Vigilance Cell itself shows that the error corrected was counter signed by the then Headmistress Smt.Inkane.

Learned AGP submits that though Scrutiny Committee

summoned said lady, she did not appear.

The order of Scrutiny Committee does not show that it is petitioner who has secured interpolation in admission register. In fact, the Police Vigilance Cell has clearly observed that the error was corrected and it was counter signed by the then Headmistress. As such it cannot be said that the petitioner is responsible in any way for error or its correction.

In this situation, as it is not shown that caste certificate has been procured by petitioner by playing any fraud or he has used any deceitful means to procure employment, in the light of the Full Bench Judgment of this Court reported in **2015(1) Mh.L.J.457** (*Arun Vishwanath Sonone ..vs.. State of Mah. and ors.*) petitioner is entitled to protection in employment.

We accordingly direct petitioner to file an undertaking on affidavit stating that neither he nor his progeny shall claim in future any benefit of status as 'Rajput Bhamta Nomedic Tribe', within four weeks from today.

Subject to filing of such undertaking, employment of petitioner with respondent nos. 2 to 4 shall remain protected in the light of Full Bench judgment cited supra.

With these observations, this Writ Petition is partly allowed and disposed of.

No costs.

JUDGE

JUDGE

Chute.