

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

WRIT PETITION NO. 2801/2015

(SHAIENDRA MAHADEORAO ALONE **VERSUS** THE STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri P.S. Kshirsagar, counsel for the petitioner.
 Shri N.R. Rode, A.G.P. for the R-1 & 4.
 Shri M.G. Sarda, counsel for the R-2 & 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : SEPTEMBER 7, 2015.

By this petition, the petitioner seeks a direction to the respondents to protect the services of the petitioner in view of the judgment of the Full Bench reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

According to the petitioner, the petitioner was appointed on 16.08.1996 as a Laboratory Attendant on a post that was earmarked for the Scheduled Tribes. The petitioner claimed to belong to Halba Koshti Scheduled Tribe. The caste claim of the petitioner was sent by the respondent-Management to the scrutiny committee for verification. The scrutiny committee verified the caste claim of the petitioner and declared that the petitioner belongs to Halba Koshti caste which falls in Special Backward Class. The petitioner was granted a caste validity certificate of Special Backward Class. On the basis of the caste validity certificate, the petitioner has sought the protection of his services as the petitioner was appointed before the cut-off date on 16.08.1996.

Though initially the petitioner was appointed on a post earmarked for the Scheduled Tribes, since the petitioner now possesses the validity certificate of the Special Backward Class, the services of the petitioner are required to be protected in view of the judgment reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath*

Sonone Versus State of Maharashtra & Others). There is nothing on record to show that the petitioner had fraudulently claimed the benefits meant for the Scheduled Tribes while seeking the appointment. As the petitioner was appointed in the year 1996 and the petitioner has not claimed the benefits wrongfully or fraudulently, the services of the petitioner are required to be protected.

Shri Sarda, the learned counsel for the management, states that the management does not have any objection for protecting the services of the petitioner, in the circumstances of the case.

In view of the aforesaid, we dispose of the writ petition with a direction to the respondents to protect the services of the petitioner on the condition that the petitioner furnishes an undertaking in this Court and also to the respondent-Management within a period of four weeks that neither the petitioner nor his progeny would claim the benefits meant for the Scheduled Tribes, in future. It is needless to mention that the petitioner would not be entitled to any promotional benefits on the basis of his tribe claim.

Order accordingly. No costs.

JUDGE

JUDGE

APTE