

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

WRIT PETITION NO. 2345/2014

(ANIL RAMNAYAK JAISWAR **VERSUS** THE DIVISIONAL CASTE CERTIFICATE SCRUTINY COMMITTEE)

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

Court's or Judge's orders

Shri N.A. Jachak, counsel for the petitioner.
Shri S.M. Bhagde, A.G.P. for the respondents.

CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.
DATE : MAY 6, 2015.

By this petition, the petitioner had initially challenged the order of the respondent no.1-Scrutiny Committee dated 01.08.2013 invalidating the claim of the petitioner of belonging to Chamar Scheduled Caste.

The petitioner has given up his challenge to the order of the respondent no.1-Committee dated 01.08.2013 and has only sought the protection of his services in view of the law laid down by this Court in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

Shri Jachak, the learned counsel for the petitioner, states that the petitioner was appointed as early as in the year 1989 and the services of the petitioner are required to be protected despite invalidation of his caste claim in view of the judgment reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*). It is stated that there is no observation in the order of the respondent-Committee that the petitioner has falsely or fraudulently claimed the benefits meant for Chamar Scheduled Caste. It is stated that the petitioner is ready to furnish an undertaking that neither the petitioner nor his progeny would claim the benefits meant for Chamar Scheduled Caste, in future.

On hearing the learned counsel for the parties and on a perusal of the order of the respondent no.1-Committee, it appears that there is no observation in the order of the respondent no.1-Committee that the petitioner has fabricated any document or has falsely or fraudulently claimed the benefits meant for Chamar Scheduled Caste. Since the petitioner was appointed in the year 1989, i.e. before the cut-off date, and that the petitioner is ready to furnish an undertaking that the petitioner or his progeny would not claim the benefits meant for Chamar Scheduled Caste, it would be necessary to protect the services of the petitioner in view of the law laid down in the judgment reported in **2015(1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

Hence, the writ petition is partly allowed. The services of the petitioner are protected on the petitioner furnishing an undertaking in this Court and to the respondent no.3-employer within a period of two weeks that neither the petitioner nor his progeny would claim the benefits meant for Chamar Scheduled Caste, in future.

Order accordingly. No costs.

JUDGE

JUDGE

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