

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

Writ Petition No. 2952 of 2013

Omprakash Sakharam Salunke

v.

S.T. Certificate Scrutiny Committee, Amravati & ors.

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

Court's or Judge's orders

Mr. S.G. Joshi Advocate for the Petitioner.
Mr. A.M. Deshpande, AGP, for Respondent no. 2 & 3.

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**Coram : B.P. Dharmadhikari &
S.B. Shukre, JJ.**

Date : 30th March, 2015.

Upon instructions, learned counsel for petitioner restricts prayer only to grant of protection in employment.

2. Challenge is to the order dated 06.4.2013 passed by Scrutiny Committee invalidating caste claim as "Koli Mahadeo". This Court has issued notice in the matter on 04.6.2013 and protected his employment. That interim order continues to operate

even today.

3. In the back ground of Full Bench judgment in **Arun Vishwanath Sonone v. State of Maharashtra** reported in **2015(1) Mh.L.J. 457**, we have heard learned counsel for respective parties. The petitioner is born on 13.3.1967. He obtained Caste Certificate on 18.6.1982 when he was about 15 years old. As per that Certificate, he belongs to “Koli Mahadeo” Scheduled Tribe. On the basis of that certificate he got employment on 22.12.1997. His certificate was sent for verification for the first time in 2003 and it has been invalidated on 6.4.2013.

4. Perusal of the impugned order does not show that the petitioner had participated in any fraud or falsehood while obtaining Caste Certificate and his school records consistently records the caste as “Koli Mahadev” . The Scrutiny Committee during vigilance, traced out certificate of elder family members of the petitioner, which mentions the caste as “Koli”. On that basis the caste claim of the petitioner has been invalidated. The Committee did not find his school record tampered with or interpolated.

5. We, therefore, find the petitioner entitled to get protection in view of Full Bench judgment in Arun Vishwanath Sonone, *supra*. Subject to petitioner filing undertaking with the Registry of this Court and also with his employer within six weeks

from today that neither he nor his progeny shall claim the status and benefits as Scheduled Tribe candidate, his services shall remain protected in terms of Full Bench judgment mentioned supra.

6. Writ petition is thus partly allowed. No costs.

Judge

Judge

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