

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

Writ Petition No. 3394 of 2015

Mrs. Ujwala Virag Kadam

-Vrs.-

The State of Mah. Through the Secretary, Dept. of Education, Mantralaya,
Mumbai and 3 others.

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

Court's or Judge's orders.

Shri S.D. Harode, advocate for petitioner.
Shri D.P. Thakre, AGP for respondent no.1.
Shri R.D. Bhuihar, Advocate for respondent nos.2 & 3.

**CORAM : B.R. Gavai &
Indira K. Jain, JJ.**

DATED : 29th JUNE, 2015

Though the petitioner has approached this court challenging the order of Caste Scrutiny Committee invalidating the caste claim of the petitioner of belonging to 'Rajput Bhamta' (Vimukta Jati), petitioner disputed the claim in the petition only for protection of his services.

The Full Bench of this court in the case of **Arun Vishwanath Sonone Vs. State of Maharashtra and others reported at 2015(1) Mh.L.J. page 457** has held that a candidate who has put in long service is entitled to protection of his service even after invalidation of his/her caste/tribe claim if there is no finding of fraud against such candidate.

As there is no finding of fraud in the order of the

Caste Scrutiny Committee, the petitioner is entitled to benefit of the judgment of the larger bench of this court in the case cited supra.

Hence, the petition is allowed. The services of the petitioner are protected. However, it is made clear that the petitioner would be considered as a candidate from open category and would not be entitled to any of the benefits as are available to the candidate belonging to reserve category. The institution shall revise the roster considering the appointment of the petitioner from open category.

Since we have already protected the services of the petitioner, there is no need to issue directions to respondents not to terminate the services of the petitioner.

JUDGE

JUDGE