

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

WRIT PETITION NO. 2689/2014

(Shri Vijaykumar s/o Mahadeorao Shende vs. The State of Maharashtra and others)

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

Court's or Judge's order

Mr. A.K.Waghmare, Adv. for petitioner
Mr.N.S. Rao, Asst.Govt.Pleader for Respondent 1 to 4
Mr. Ambilwade, Advocate for respondent no.5

CORAM : SMT. VASANTI A. NAIK &
A.M. BADAR, JJ.

DATED : 7th May, 2015.

Heard.

The petitioner is working in the respondent no.5- Cooperative Bank, since 10.2.2000. The appointment of the petitioner was made on a post reserved for Nomadic Tribes. The petitioner claims to belong to "Gadilohar" Nomadic Tribe and his caste claim was sent by the respondent no.5, to the respondent-Scrutiny Committee for verification. The caste claim of the petitioner was rejected by the Scrutiny Committee, by an order dated 11.3.2014.

The learned counsel for the petitioner states that the petitioner is not desirous of challenging the order of the Scrutiny Committee as the same is not flawed. It is however stated that the petitioner is entitled to protection in view of the law laid down by the Full Bench of this Court in the judgment reported in 2015 (1) Mh L J page 457 {Arun Sonone vs.State of Maharashtra and others}, and also the judgment of the Hon'ble Supreme Court

reported in 2014 (2) Mh.L.J. 913.{*Shalini vs. New English High School and others*}. It is stated that in view of the Government Resolution dated 30.6.2004, it is held by the Hon'ble Supreme Court that protection could be granted to the employees working in the Government/Semi Government, Municipalities, Municipal Corporations, District Councils and Cooperative Banks. It is stated that since the petitioner is working in a Cooperative Bank and was appointed before the cut off date i.e. on 10.2.2000, the services of the petitioner are required to be protected. It is stated that there is no observation in the order of the Scrutiny Committee that the petitioner had fabricated documents or had falsely and fraudulently claimed the benefits meant for "Gadilohar" Nomadic Tribe.

On hearing the learned counsel for the parties and on a perusal of the aforesaid judgments, as also the judgment of the Scrutiny Committee, it appears that the services of the petitioner are required to be protected. The petitioner was appointed on 10.2.2000 and the petitioner is entitled to the benefit of the Government Resolution dated 30.6.2004 which grants protection to the employees of the Cooperative Banks also. There is nothing in the order of the Scrutiny Committee to depict that the petitioner has falsely and fraudulently secured the benefits meant for the "Gadilohar" Nomadic Tribe. If that be so, the petitioner would be entitled to the protection of his services, in view of the judgment reported in 2014 (2) Mh.L.J. 913.

Hence, for the reasons aforesaid, the Writ Petition is partly allowed. The services of the petitioner are protected on the petitioner furnishing an undertaking in this Court and also to the respondent no.5-Bank, within a period of 15 days, that neither the petitioner nor his progeny would claim the benefits meant for "Gadilohar" Nomadic Tribe, in future.

Order accordingly. No costs.

JUDGE

JUDGE

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