

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

WRIT PETITION NO.3649 OF 2015

[Shri Namdeo s/o Mahipatrao Wankhede .vs. The Managing Director, Maharashtra State Electricity Transmission Company Limited and others]

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

Court's or Judge's orders

Shri R.R. Khamatkar, counsel for the petitioner,
Shri D.M. Kale, counsel for the respondent nos.1 and 2,
Shri A.S. Fulzele, Additional Government Pleader for the respondent no.3.

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

DATED : SEPTEMBER 03, 2015.

By this petition, the petitioner seeks the protection of his services, in view of the judgment of the full bench, reported in 2015 (1) Mh.L.J. 457 [Arun s/o Vishwanath Sonone .vs. State of Maharashtra and others].

The petitioner was appointed as a Technician on 24.5.2000 by the respondent nos.1 and 2 on a post earmarked for the Nomadic Tribes. The petitioner claimed to belong to 'Kanjhar Bhat' tribe. The caste claim of the petitioner was referred by the respondent nos.1 and 2 to the scrutiny committee. The scrutiny committee invalidated the claim of the petitioner by the order dated 22.7.2014. In pursuance of the order of the scrutiny committee, the respondent nos.1 and 2 had sought to terminate the services of the petitioner. The petitioner has, therefore, approached this court with the prayers, stated hereinabove.

Shri Khamatkar, the learned counsel for the petitioner, states that in view of the law laid down by the full bench of this court in the judgment reported in 2015 (1) Mh.L.J. 457, the services of the petitioner need to be protected, as the petitioner was appointed before the cut off date on 24.5.2000 and there is no observation in the order

of the scrutiny committee that the petitioner has fraudulently secured the benefits meant for 'Kanjari Bhat' Nomadic Tribe. It is stated that the caste claim of the petitioner is invalidated because the petitioner was unable to prove the same on the basis of the documents.

Shri Kale, the learned counsel appearing on behalf of the respondent nos.1 and 2 and Shri Fulzele, the learned Additional Government Pleader appearing on behalf of the respondent no.3-Committee, do not dispute the position of law, as laid down in the judgment of the full bench of this court.

It is admitted by the learned counsel for the respondent nos.1 and 2 that the petitioner is appointed before the cut off date and there is no observation in the order of the scrutiny committee that the petitioner had fraudulently secured the benefits meant for 'Kanjari Bhat' Nomadic Tribe.

In the circumstances of the case, since the petitioner was appointed before the cut off date and since there is no observation against the petitioner in the order of the scrutiny committee, the services of the petitioner are required to be protected in view of the judgment of the full bench reported in **2015 (1) Mh.L.J. 457**.

Hence, the writ petition is allowed. The respondent nos.1 and 2 are directed to protect the services of the petitioner on the condition that the petitioner furnishes an undertaking in this court and to the respondent nos.1 and 2, within a period of four weeks that neither the petitioner nor his progeny would claim the benefits meant for 'Kanjari Bhat' Nomadic Tribes, in future. The petitioner would, however, not be entitled to any promotional benefit that the petitioner has secured on the basis of his caste claim.

Order accordingly. No costs.

JUDGE

JUDGE