

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

WRIT PETITION NO. 2727 OF 2003

Ananda S/o Mohanji Gangarpad

-vs-

The State of Maharashtra and others

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

Court's or Judge's Orders.

Mr.H.A.Deshpande, counsel for the petitioner.
Mr.T.R.Kankale, AGP for the respondent-State.

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

DATE : 07.05.2015.

P.C.

Heard.

Initially, the petitioner had challenged the order of the Scrutiny Committee, dated 28/04/2003 invalidating the claim of the petitioner of belonging to Mannerwarlu Scheduled Tribe. The petitioner has, however, given up his caste claim and a statement is made by the learned counsel for the petitioner that the petitioner is not desirous of challenging the order of the Scrutiny Committee and the grievance of the petitioner would stand redressed, if his services are protected, 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 (Arun Sonone v. State of Maharashtra)**.

Shri Deshpande, the learned counsel for the petitioner, submitted that the services of the petitioner are required to be protected, in view of the judgment reported in **2015 (1) Mh.L.J. 457**, as the petitioner was appointed as a Conductor by the respondent-Corporation on a post

earmarked for the Scheduled Tribes in the year 1998. It is stated that though the caste certificate of the petitioner is invalidated by the order of the Scrutiny Committee, there is no observation in the order of the Scrutiny Committee that the petitioner had falsely or fraudulently secured the benefits meant for Mannerwarlu Scheduled Tribe.

Since the petitioner was appointed before the cut-off date in the year 1998 on the post of Conductor and since the petitioner is still in service in view of the interim orders passed by this Court, it would be necessary to protect the services of the petitioner in view of the judgment reported in 2015 (1) Mh.L.J. 457, specially when there is no observation in the order of the Scrutiny Committee that the petitioner has fraudulently or falsely secured the benefits meant for Mannerwarlu Scheduled Tribe.

Hence, for the reasons aforesaid, we partly allow the writ petition by following the judgment reported in 2015 (1) Mh.L.J. 457. We direct the respondent-Corporation to protect the services of the petitioner subject to the petitioner furnishing an undertaking in this Court and to the respondent-Corporation within a period of four weeks that neither the petitioner nor his progeny would claim the benefits meant for Mannerwarlu Scheduled Tribe in future.

Rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

JUDGE