

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

WRIT PETITION NO.2589 of 1998
Yadneshwar Namdeorao Khadgi

..VS..

**State of Mah., thr Tribal Development Department, Mantralaya,
Bombay and ors**

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

Court's or Judge's order

**Shri Ram Karode, Adv. h/f Shri P.C. Madkholkar, counsel
for the Petitioner.**

Shri C.N. Adgokar, AGP for R-1.

Shri A.M. Deshpande, counsel for R-2.

None appears for R-3.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.**
DATE : FEBRUARY 5, 2015.

1. Heard Shri Ram Karode, Adv. h/f
Shri P.C. Madkholkar, learned counsel for
the petitioner, Shri C.N. Adgokar, learned
Assistant Government Pleader for
respondent No.1, and Shri A.M. Deshpande,
learned counsel for respondent No.2 – Caste

.....2/-

Scrutiny Committee. Nobody appears for respondent No.3.

2. The petitioner is continuing in service because of interim orders granted by this Court on 25.8.1998.

3. The caste claim of the petitioner as belonging to caste "*Halba*" (Scheduled Tribe) has been invalidated on 24.4.1998. Admittedly, no Vigilance Enquiry was conducted as mandated by the Honabourable Apex in its judgment in the case of Kumari Madhuri Patil and another ..vs.. Addl. Commissioner, Tribal Development and others, reported at AIR 1995 SCC 94. Similarly, the impact of the provisions of the the Maharashtra Scheduled

Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.XXIII of 2001) on all such prior invalidations is looked into by this Court in its judgment in the case of Vijaykumar Narayanrao Kale ..vs.. State of Maharashtra and others reported at 2013(5) Mh.L.J. 930 and later judgment dated 24.9.2013 in Writ Petition No.68 of 1998 and other connected matters.

4. In this situation, we quash and set aside impugned order dated 24.4.1998. The caste claim of the petitioner is restored back for its fresh adjudication to the file of

respondent No.2 – Committee for Scrutiny and Verification of Tribe Claims, Nagpur. The petitioner is directed to appear before respondent No.2 - Committee, on 13.4.2015 and to abide by its further instructions in the matter. Respondent No.2 - Committee shall attempt to adjudicate the caste verification in accordance with the provisions of Act No.XXIII of 2001 within next one year. Interim orders granted by this Court on 25.8.1998 shall remain in operation till then and shall be subject to it. Prayer of the petitioner for extending him protection, in terms of the Full Bench Judgment of this Court in the case of Arun s/o Vishwanath Sonone ..vs.. State of Maharashtra & ors, reported at 2015(1) Mh.L.J. 457, shall be considered thereafter,

if occasion therefor arises.

5. The writ petition is thus, partly allowed and disposed. No costs.

6. At this stage, Shri P.C. Madkholkar, learned counsel for the petitioner, submits that he is not having address of the petitioner. Hence, the Committee should issue notice to him for appearance before it. We leave it to the Committee to take such steps, if it finds the same necessary.

JUDGE

JUDGE

!! BRW !!

...../-