

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

WRIT PETITION No. 3953 OF 2013.

Vijay Sukhdeorao Nimje

VERSUS

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 orders.

CORAM : B.P. DHARMADHIKARI
& A.S. CHANDURKAR, JJ.

DATED : FEBRUARY 03, 2015.

Heard.

Shri N.C. Phadnis, learned Counsel for the
petitioner upon instructions presses writ petition only
for protection in service, in the light of Full Bench
judgment of this Court Arun Vishwanath Sonone .vrs.
State of Maharashtra and others (2015 (1) Mh.L.J.
457).

Petitioner born on 30.01.1977, got caste

certificate on 05.08.1988 showing him as “Halba Scheduled tribe”. On that basis he procured employment on 16.06.1998. His caste claim has been sent for verification for the first time on 25.06.2005 and has been invalidated on 28.06.2006.

Shri Phadnis, learned counsel states that the petitioner relied upon a document dated 02.05.1963 of his uncle, which recorded caste as Halba. Scrutiny Committee through its vigilance cell found some older document which records caste as “koshti”, however, there is no finding of any fraud or falsehood.

Learned A.G.P. is opposing request of protection.

Perusal of the impugned order dated 28.06.2006 passed by the Scrutiny Committee shows that all documents placed by the petitioner in support of his caste claim, pertaining to him, shows him as person belonging to Halba Scheduled Tribe. In addition, there is a document about 14 years prior to his date of birth i.e. dated 02.05.1963 which records caste of his uncle as Halba. Petitioner obtained caste

certificate when he was only 13 years old. His employment is prior to coming into force of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, (Act No. 23 of 2001).

We therefore, find him entitled to protection in terms of the Full Bench judgment (supra).

Subject to petitioner filing an undertaking within a period of six weeks with the Registry of this Court and with his employer, that neither he nor his progeny will claim any benefit or status as “Scheduled tribe”, we declare that petitioner is entitled to protection for his employment in terms of the Full Bench Judgment (supra),

Writ Petition is, thus partly allowed and disposed of. No costs.

Rgd

JUDGE

JUDGE