

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

WRIT PETITION NO. 4867 OF 2013

(Shri Arun Kesharao Bhure vs. Zilla Parishad, Chandrapur vs. is CEO & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
JANUARY 30, 2015.**

Heard Shri Burde, learned counsel for the petitioner, Mrs. Jog, learned AGP for respondent Nos. 1 & 2, Mrs. Dangre, learned counsel for respondent No. 3 and Shri Kale, learned AGP for respondent No. 4.

The challenge in present writ petition is to the order of termination dated 20.06.2013. The order is consequential to invalidation of caste claim by the Scrutiny Committee dated 21.02.2005.

We find that the petitioner was not communicated order of invalidation dated 21.02.2005 and he got its knowledge when he was terminated by impugned order dated 20.06.2013.

The learned counsel has prayed for protecting the services in the light of law as laid down by this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., reported at 2015 (1)

Mh.L.J. 457 (FB).

The petitioner is born sometimes in the year 1966 and he got caste certificate showing that he belongs to Halba Scheduled Tribe on 11.10.1988. He joined employment on 31.03.1997 and his caste claim was referred for verification on 03.10.1997. It has been invalidated on 21.02.2015. The School record of the petitioner shows that his caste was recorded as Halba everywhere. The Scrutiny Committee has on the strength of Vigilance Cell report found some old documents which records caste of his ancestors as Koshti. On the basis of those old documents, the caste claim of the petitioner has been invalidated. There is no finding that the records produced by the petitioner were in any way interpolated or tampered with. There is no finding that the petitioner himself has played any fraud or practiced any falsehood.

In this situation, we find the petitioner entitled to protection of services in terms of the Full Bench judgment mentioned supra. Subject to the petitioner filing an undertaking with the Registry of this Court as also with his employer within a period of six weeks from today that neither he nor his progeny shall claim the status or benefit as belonging to Scheduled Tribe candidate, we set aside the order of termination dated 20.02.2013. Respondent Nos. 1 & 2 shall reinstate the petitioner in service with continuity but

without back wages.

Writ Petition is thus partly allowed and disposed of. However, there shall be no order as to costs

JUDGE

JUDGE

*C.S.