

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

WRIT PETITION NO.682 OF 1998
Ramesh s/o Sadashivrao Nandanwar

..VS..

**The State of Maharashtra, through The Secretary, Irrigation
Department, Mantralaya, Mumbai and anr**

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

Court's or Judge's order

Shri Tapdiya, Adv. h/f Shri M.G. Bhangde, senior counsel
for the petitioner.
Shri A.S. Fulzele, AGP for R-1.
None appears for R-2.

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

1. Heard Shri Tapdiya, Adv. h/f Shri M.G. Bhangde, learned senior counsel for the petitioner, Shri A.S. Fulzele, learned Assistant Government Pleader for respondent No.1. Nobody appears for respondent No.2 – Caste Scrutiny Committee.

2. Challenge is to order dated 29.8.1997 passed by respondent No.2 - Caste Scrutiny Committee invalidating the caste claim of the

.....2/-

petitioner as belonging to caste “Halba” (Scheduled Tribe).

3. This Court, while issuing notice in the matter on 6.3.1998, granted *ad interim* order and thereby protected the employment of the petitioner.

4. In petition, effort is to demonstrate that there were old documents which are not looked into. The support is also being taken from some old “*Bhoj-Patras*”. Learned counsel for the petitioner submits that the impugned order does not show that the matter was sent for Vigilance Enquiry.

5. In similar situation, this Court has disposed of Writ Petition No.2589 of 1998 (*Yadneshwar Namdeorao Khadgi vs. State of Mah., thr Tribal Development Department,*

and ors) decided on 5.2.2015. Hence, the following order is passed :-

i) We quash and set aside impugned order dated 29.8.1997.

ii) The matter is restored back to file of respondent No.2 – Caste Scrutiny Committee for its fresh adjudication in accordance with the provisions of 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).

iii) The petitioner shall appear before the said Committee on 13.4.2015 and abide by its further instructions in the

matter.

iv) *Ad interim* orders granted by this Court on 6.3.1998 shall remain in operation, till then and shall be subject to such orders.

v) 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.

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

JUDGE

JUDGE

!! BRW !!

...../-