

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

WRIT PETITION NO.4554 OF 2013

Gajanan S/o Narayanrao Sakhe

..VS..

**State of Mah., thr the Secretary, Department of Education,
Mantralaya, Mumbai 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 S.D. Harode, counsel for the Petitioner.
Shri D.M. Kale, AGP for R-1.
Shri R.D. Bhuibhar, counsel for R-2 & 3.
Shri Sadavarte, counsel for R-4.

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

1. **Heard** learned counsel for the
respective parties.

2. The petitioner joined employment as
a “Koli-Mahadeo” (Scheduled Tribe Candidate)
in the year 1998. Thereafter, he also got Caste
Validity Certificate as a “Special Backward
Classes” candidate belonging to “Koli”

.....2/-

Community.

3. The employer, however, found it necessary to obtain Caste Validity Certificate as a “*Scheduled Tribe*” candidate as the petitioner was appointed against that vacancy. The petitioner accordingly submitted necessary documents to his employer and the employer forwarded those documents to respondent No.4 – Caste Scrutiny Committee on 2.2.2015 itself.

4. Respondent Nos.2 and 3 claim that they possess acknowledgement of respondent No.4 in this connection.

5. The employment of the petitioner is protected by this Court while issuing notices in the matter on 22.8.2013.

6. In this situation, we direct the

petitioner to appear before respondent No.4 – Caste Scrutiny Committee on 20.4.2015 and to abide by its further instructions in the matter. The Committee shall continue to complete the caste verification of the petitioner 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) within next one year. *Interim* orders granted by this Court on 22.8.2013 shall remain in operation, till then and shall be subject to it.

7. 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.

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

JUDGE

JUDGE

!! BRW !!