

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

WRIT PETITION NO. 5734/2013.

Vishwajeet Chango Warkhade

VERSUS

Chief Executive Officer, Z.P. Buldhana and another.

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.P. BHANGALE, JJ.

DATED : JANUARY 07, 2015.

Heard Shri M.V. Bute, learned Counsel for
the petitioner and Shri K.P. Sadavarte, learned Counsel
for respondent no.2.

Caste claim of petitioner as belonging to
Koli-Mahadeo, Scheduled Tribe was invalidated by the
Scrutiny Committee on 21.03.2005. That was
questioned before the Division Bench of this Court in
Writ Petition No.1153/2005, and that Writ Petition
came to be disposed on 09.04.2005. The order of

invalidation was not interfered with, however, the petitioner was given liberty to make a representation to his employer seeking benefits of the Government Policy referred to in G.R. dated 15.06.1995 and 30.06.2005, as also in the light of judgment of Hon'ble Apex Court in case of State of Maharashtra .vrs. Milind Katware (2000 (1) Mh.L.J. 1). Petitioner then had given an undertaking that he did not claim to belong to Scheduled Tribe.

In the said order this Court has erroneously recorded that undertaking mentioned that he does not belong to caste Halba, Scheduled Tribe.

Present petition has been filed on 20.08.2013. A communication dated 16.08.2013 has been appended with the petition, it is a representation by which the petitioner had sought his absorption back in employment. He has pointed out that, he has been discontinued on 30.06.2005. In petition, petitioner has not pointed out any representation made after 19.04.2005 till 16.08.2013. The representation should have been made within a reasonable time after liberty

was given by this Court. Not only this, but, after said order dated 19.04.2005, petitioner is removed on 30.06.2005. Thus, this removal tentamounts to denial of his entitlement to protection order or the benefits of above mentioned government resolution. That removal was not questioned before this Court within reasonable time, and petition has been filed for the first time on 20.08.2013, as mentioned supra.

Perusal of the order of Scrutiny Committee shows that though the petitioner claimed to belonging to Koli Mahadeo, Scheduled tribe, all old documents reveal the caste 'Koli' only. Petitioner could not produce a single document of any of his ancestors or blood relatives which recorded caste as 'Koli Mahadeo.'

In this situation, considering the time lapsed as also the conduct of the petitioner, we are not inclined to interfere in the matter in writ jurisdiction. Writ Petition is, accordingly rejected. No costs.

JUDGE

JUDGE

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