

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO. 4852 OF 2013

(Sangita D/o Nagoraoji Mankar vs. Joint Commissioner & Vice-President, Scheduled Tribe Caste
Certificate Verification Committee & 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.P. BHANGALE, JJ.
FEBRUARY 16, 2015.**

The petitioner born on 17.07.1978 got caste certificate on 08.09.1992 when she was about 14 years old, showing that she belongs to Koli Mahadeo Tribe. On that basis she got employment as Gram Sevak on 11.10.1999. Almost after ten years i.e. on 07.07.2009, her caste claim was sent for verification and it has been invalidated on 31.07.2013.

We have heard Shri Shirsat, learned counsel for the petitioner, Shri Deshpande, learned counsel for respondent No. 1 and Shri Kalmegh, learned counsel for respondent Nos. 2 & 3.

On 14.01.2015, a contention was raised by Shri Shirsat, learned counsel, attempting to demonstrate that the petitioner was selected and appointed on open post.

As per our orders, the Zilla Parishad has filed a reply affidavit stating that the petitioner was appointed against a reserved category post. According to the

learned counsel for the petitioner, it is only a recommendation and, therefore, not a conclusive document.

We do not wish to go into that controversy in present matter. The statement on affidavit made by the Zilla Parishad needs to be accepted.

All documents of the petitioner show the Tribe as Koli Mahadeo. The Scrutiny Committee in Vigilance Cell Enquiry could find out old documents where the caste was recorded as Koli. When confronted with these documents, the petitioner also fairly accepted before the Committee itself that she belongs to Koli caste.

The Committee has not recorded any finding of tampering or interpolation in any of the documents of the petitioner. The Committee has also not found her guilty of any fraud or falsehood. We, therefore, find the petitioner entitled to protection in terms of the Full Bench judgment of this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., reported at 2015 (1) Mh.L.J. 457.

Accordingly, subject to the petitioner filing an undertaking with the Registry of this Court and with her employer within a period of six weeks from today that neither she nor her progeny shall claim the status or benefits as Scheduled Tribe person, her employment shall remain protected in terms of Full Bench judgment mentioned supra.

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

JUDGE

JUDGE

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