

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

WRIT PETITION No. 5220/2013.

Ku. Indira Bhaskarrao Kumbhare

VERSUS

Scheduled Tribe Caste Scrutiny Committee, Nagpur 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 12, 2015.

Heard Shri R.S. Parsodkar, learned Counsel
for the petitioner, Shri K.P. Sadavarte, learned
Counsel for respondent no.1 Scrutiny Committee and
Shri A.S. Fulzele, learned A.G.P. for respondent nos. 2
and 3.

Petitioner born on 21.05.1971, got caste
certificate on 15.12.1989 showing that she belongs to
“Halba Scheduled tribe”. Her caste claim has been

invalidated on 22.07.2013.

In the light of Full Bench judgment in case of Arun Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 547) Shri Parsodkar, learned Counsel for petitioner submits that the petitioner is entitled to protection.

Shri Sadavarte, learned Counsel appearing for respondent no.1 Scrutiny Committee does not dispute the proposition of law. However, he as well as Shri Fulzele, learned A.G.P. attempt to demonstrate that there was no other blood relative who had obtained a certificate as belonging to “Halba”.

The controversy is already looked into by the Full Bench of this Court. Division Bench in a judgment reported at 1987 Mh.L.J. 572 (Milind Sharad Katware and others .vrs. State of Maharashtra and others), has found that Halba Koshtis are also Halba. This was reversed 2001 (1) Mh.L.J. 1 (State of Maharashtra .vrs. Milind and others), but, then the Hon'ble Apex Court protected the admission which had become final. Later judgments which are looked into by the Full Bench of this Court mentioned above, have

protected employment also.

The petitioner was hardly 18 when certificate was obtained. She got employment on 01.11.1995 and is continuing with the same. In this situation, as we find that the petitioner has given up her tribe claim, and she is restricting the prayer in the petition only for protection of service, the matter is covered by the Full Bench judgment of this Court (supra).

Accordingly, we direct that the order invalidating the tribe claim of petitioner as belonging to Halbe Scheduled Tribe shall not in any way having effect of disturbing her employment with the respondent no.2. However, she will not be entitled to claim any benefit as belonging to that tribe. She shall also furnish a written undertaking within a period of next six weeks, declaring that she or her progeny shall not claim and take advantage of any benefit flowing from the invalidated caste certificate and the present order or claim status as a person belonging to Scheduled tribe for herself or for her progeny.

In view of above discussion, Writ Petition is
disposed of. No costs.

JUDGE

JUDGE

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