

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

WRIT PETITION NO. 5433 OF 2013

(Shri Vilas s/o Shalikram Chirkute vs. Vice-Chairman & Joint Commissioner, Scheduled
Tribe Certificate Scrutiny Committee, Nagpur & Anr.)

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.S. CHANDURKAR, JJ.
JANUARY 27, 2015.**

Heard Shri Narnaware, learned counsel for the petitioner. He states that the petitioner in the light of Full Bench judgment of this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., 2015 (1) Mh.L.J. 457 (FB), is claiming only protection of service.

The petitioner is born on 14.08.1970 and got caste certificate which shows that he belongs to Halba Scheduled Tribe on 17.08.1988 i.e. shortly after completion of 18 years of age. He procured employment as Scheduled Tribe candidate on 31.03.1997. The caste certificate has been forwarded for verification for the first time on 17.03.2005 and Respondent No. 1 – Committee has invalidated the claim on 18.09.2013. That order has been questioned in present matter.

A perusal of impugned order reveals that apart from his own documents which show caste as

Halba Scheduled Tribe, the petitioner has also relied upon a certificate issued to his father on 29.03.1978 which mentions father's caste as Halba Scheduled Tribe and the certificate issued to cousin which revealed caste as Halba Scheduled Tribe and date of leaving School as 30.04.1968. Another Certificate of same cousin recorded date of admission as 29.07.1976 with caste as Halba. These documents are not found to be interpolated or tampered with. The caste claim has been invalidated because of old documents of the year 1940, 1950 and 1953 which show caste as Koshti.

In this situation, we find the controversy covered by Full Bench judgment mentioned supra. Hence, subject to the petitioner filing a written undertaking within next six weeks declaring that he or his 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 himself or for his progeny, we declare that the petitioner shall be entitled to protection in terms of above mentioned Full Bench judgment.

Writ Petition is partly allowed and disposed of. No order as to costs.

JUDGE

JUDGE

*G.S.