

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

**WRIT PETITION No. 6444/2013.**

Sudhakar Mahadeo Parate

**VERSUS**

The Scheduled Tribe Caste Scrutiny Committee, Amravati and another.

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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 and Shri A.L. Deshpande, learned  
Counsel for respondent no.1. None appears for  
respondent no.2 – Employer.

Petitioner born on 18.04.1963, got caste  
certificate showing himself as belonging to “Halba  
Scheduled tribe” on 14.07.1982. He also got  
employment in 1997. His tribe claim was then referred  
for verification on 19.01.1998. It was invalidated on

13.07.1998 i.e. after delivery of judgment in case of Madhuri Patil .vrs. State of Maharashtra (AIR 1995 SC 94) and Kumari Madhuri Patil and another .vrs. Additional Commissioner, Tribal Development and others (1997) 5 SCC 437). However, this adjudication is before the judgment in case of State of Maharashtra .vrs. Milind Katware (2000 (1) Mh.L.J. 1). The said invalidation was questioned before this Court in Writ Petition No. 2977/1998. During pendency of the said Writ Petition, interim order was operating in favour of the petitioner. After remand, on 22.11.2013, caste claim has been invalidated again.

Learned counsel appearing on behalf of the petitioner submits that though there are some documents showing that ancestors of petitioner belong to 'Koshti' community or showing caste as Hindu, there is a document dated 02.07.1955, which shows that caste of brother of petitioner was recorded as "Halba". He submits that thus, there is no fraud on the part of petitioner.

He states that the issue is squarely covered by the Full Bench judgment in case of Arun Vishwanath

Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 547) and petitioner is not interested in pressing challenge to order of Scrutiny Committee.

Shri Parsodkar, learned Counsel requests for grant of an order protecting service of petitioner.

Shri Deshpande, learned Counsel for respondent no.1 Scrutiny Committee points out that the similar document of blood relatives show caste as 'Koshti' and therefore, rules out status as 'Halba'. He also invites attention to findings recorded in paragraph no.6[2] by the Scrutiny Committee. According to him, as there is finding of manipulation or fraud, protection cannot be given.

We have looked into the said finding in paragraph no.6[2]. Said paragraph does not specifically point out a document in which the manipulation or fraud or fabrication has been committed. The respondent Committee perhaps indented to say that in 1955 while mentioning caste of brother of petitioner, wrong information was given. However, petitioner is born long thereafter, and his caste certificate is obtained on 14.07.1982, when he

completed 18 years of his age.

In this situation, considering the developments in relation to Halba Koshti community and inclusion of said community as 'Special Backward Community' in Government Resolution dated 15.06.1995, it is apparent that protection as extended by the Full Bench of this Court noted above, needs to be given to the present petitioner. Accordingly we declare that the impugned order of Scrutiny Committee should not in any way disturb the employment of petitioner. The petitioner shall however, furnish a written undertaking within a period of 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.

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

**JUDGE**

**JUDGE**

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