

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

WRIT PETITION No. 6403/2011.

Gyandeo Mahadeo Nikhare

VERSUS

State of Maharashtra and others.

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 14, 2015.

Heard Shri S.S. Sirsat, learned Counsel for the petitioner, Mrs. K.S. Joshi, learned A.G.P. for respondent nos. 1 to 3 and 5, Shri A. Deshpande, learned Counsel for respondent no.4 Committee, Shri N.S. Khandewale, learned Counsel for respondent no.6 and Shri S. Ahirkar, learned Counsel for respondent no.9.

The controversy can be conveniently

considered in the background of orders passed today in Writ Petition No. 6401/2011. Most of the facts, including order dated 13.06.2014 and respondents are similar.

The present petitioner is born on 22.11.1968 and he got caste certificate showing him as belonging to 'Halbi Scheduled tribe' on 14.07.1987. He joined employment on 07.10.1996 and his caste claim is also referred for the first time on 02.02.2011. Oldest document in his case is of one Tatya Halbi, his grand-father bearing date 13.04.1922. Other documents is of his brother dated 01.07.1967. These documents record caste as 'Halbi'.

Vigilance authorities have found that there were document dated 01.04.1924 and 02.02.1937 in relation to paternal grand-father Shri Soma Balaji and paternal uncle Laxman Tatya, which recorded caste as 'Koshti'. Therefore his caste claim has been invalidated by the Scrutiny Committee. There is no finding of any falsehood or fraud played by the present petitioner.

In this situation, following the Full Bench

judgment of this Court in case of Arun Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457) we find the petitioner entitled to similar protection.

Accordingly, subject to petitioner filing an undertaking within a period of next six weeks, declaring that he or his progeny shall not claim and take advantage of status as Scheduled Tribe candidate and shall not claim any benefit of this order, the services of petitioner with respondent no.6 are protected in terms of Full Bench judgment (supra).

Subject to above, Writ Petition is partly allowed and disposed of. Pending Civil Applications also stand disposed of. No costs.

JUDGE

JUDGE

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