

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

WRIT PETITION NO. 6507 OF 2013

(Vinay s/o Dinanath Sadawarti vs. State of Maharashtra thr. its Secretary, Ministry of Tribal Welfare Department & 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.S. CHANDURKAR, JJ.
FEBRUARY 04, 2015.**

Heard Shri Joshi, Advocate holding for Shri Mardikar, learned Senior Advocate for the petitioner, Shri Kale, learned AGP for respondent Nos. 1 & 3 and Mrs. Dangre, learned counsel for respondent No. 2.

The petitioner born in 1971, got caste certificate in the year 1988 which described him as a Halba Scheduled Tribe person. On that basis, he got employment in 1997. His caste certificate was sent for verification for the first time in the year 2006 and it has been invalidated on 11.06.2013.

This Court on 06.12.2013, while issuing notice in the matter, protected his employment.

The petitioner has given up his challenge to impugned order and claims protection in employment in terms of 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.

After hearing the learned counsel for the respective parties, we find that the documents on which the petitioner is relying upon show his caste as Halba Scheduled Tribe, Statutory Committee and its Vigilance Cell found old documents which record the caste of his forefathers as Koshti. On the basis of those documents in para 14, the Scrutiny Committee has found that the caste certificate was obtained by using false documents fraudulently, fully knowing that the petitioner does not belong to Halba Scheduled Tribe.

We find that the petitioner got the caste certificate when he was hardly 17 years of his age, thus, the formalities were completed by his guardian for him. His School records throughout show the caste as Halba. There is no finding that there is any interpolation or tampering insofar as those records are concerned. Mere fact that the old documents of forefather record caste as Koshti, is not sufficient to hold the petitioner guilty of practicing any falsehood or fraud.

We, therefore, find the petitioner entitled to protection of his service in terms of Full Bench judgment of this Court mentioned supra.

Subject to petitioner filing an undertaking with the Registry of this Court and with his employer within a period of six weeks from today that neither he nor his progeny shall claim the status and benefit as Scheduled Tribe candidate, he is entitled to protection of his services in terms of the Full Bench judgment of

this Court mentioned supra.

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

JUDGE

JUDGE

**cc.*