

**FARAD CONTINUATION SHEET No.**  
**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO. 6110/2014**

(RATAN SHANKAR SINGH NATHE **VERSUS** S.T. CERTIFICATE SCRUTINY COMMITTEE,  
 AMRAVATI & OTHERS)

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 Office Notes, Office Memoranda of Coram,  
 appearances, Court's orders of directions  
 and Registrar's orders  
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Court's or Judge's orders

Shri N.S. Autkar & Girish Deepwani, counsel for the petitioner.  
 Shri A.L. Deshpande, counsel for the R-1.  
 Shri A.R. Sambre, counsel for the R-2 & 3.

**CORAM : SMT. VASANTI A. NAIK AND**  
**A.M. BADAR, JJ.**

**DATE : MARCH 24, 2015.**

Heard.

By this petition, the petitioner seeks the protection of his services in view of the law laid down by the Full Bench of this Court in the judgment reported in **2015 (1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

The petitioner was appointed by the respondent no.2 as an Instrument Mechanic on 27.08.1996, on a post earmarked for the Scheduled Tribes. The petitioner claimed to belong to Thakur Scheduled Tribe and had tendered a certificate in that regard. The certificate of the petitioner was sent to the scrutiny committee for verification. By an order dated 30.10.2014, the scrutiny committee invalidated the claim of the petitioner, of belonging to the Thakur Scheduled Tribe. The petitioner has not challenged the said order in the instant petition and has only sought the protection of his services on the basis of several decisions rendered by the Hon'ble Supreme Court and this Court. The petitioner has specially relied on the Full Bench decision reported in **2015 (1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*).

On hearing the learned counsel for the parties and on a perusal of the order of the scrutiny committee dated 30.10.2014, it appears that the services of the petitioner are required to be protected. There is no observation by the scrutiny committee in the order dated 30.10.2014 in regard to the falsity of the claim made by the petitioner and/or fraudulently securing the benefits granted to the Scheduled Tribes, while seeking the appointment. We do not find that the petitioner has played a fraud while securing the appointment or the caste certificate of belonging to Thakur Scheduled Tribe. The claim of the petitioner has been rejected by the scrutiny committee only on the basis of the documents and the failure on the part of the petitioner to show his affinity to the Thakur Scheduled Tribe. Hence, by applying the judgment of the Full Bench, reported in **2015 (1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*), it would be necessary to protect the services of the petitioner and direct the respondent no.2 to reinstate the petitioner in services as the services of the petitioner have been terminated on 03.12.2014, during the pendency of the writ petition.

Hence, for the reasons aforesaid, the writ petition is allowed. The services of the petitioner stand protected in view of the law laid down by this Court in the judgment reported in **2015 (1) Mh.L.J. 457** (*Arun Vishwanath Sonone Versus State of Maharashtra & Others*) on the petitioner furnishing an undertaking in this Court and also to the respondent no.2 within a period of fifteen days that neither the petitioner nor his progeny would claim the benefits available to the Thakur Scheduled Tribe. The petitioner should also undertake not to seek the promotion in the services on the tribe claim. If the petitioner tenders the undertaking, the respondent no.2 is directed to reinstate the petitioner in service within a period of one week from the date of the tendering of the undertaking. The petitioner would not be entitled to the salary

from the date of termination till the date of his reinstatement. It appears that the petitioner is paid only 80% salary for certain period in view of the judgment in Writ Petition No.2308 of 2012. The respondent nos.2 and 3 are directed to pay the arrears of difference of salary of the petitioner, within a period of eight weeks.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

APTE