

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD

WRIT PETITION NO.4884 OF 2012

Smt. Gangamani w/o Gangaram Ablakwar... PETITIONER

VERSUS

The State of Maharashtra & anr. ... RESPONDENTS

.....
Shri P.P. Mandlik, Advocate holding for
Shri A.S. Gandhi, Advocate for petitioner
Shri V.M. Kagne, A.G.P. for State
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CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.

DATED: 8th January, 2016.

ORAL ORDER :

1. The tribe certificate validation claim of the petitioner has been turned down by the Scrutiny Committee in the year 1996. Initially the tribe certificate issued in favour of the petitioner was referred to the Scrutiny Committee in the year 1995. After due enquiry, the Scrutiny Committee rendered judgment and directed invalidation of the caste certificate. The decision of the Scrutiny Committee was challenged by the petitioner by presenting Writ Petition in this High Court. This High Court directed remand of the matter back to the Scrutiny Committee with a view to extend further opportunity to the petitioner. After remand of the matter, the Scrutiny Committee

took up the proposal in respect of verification of the caste certificate for consideration in the year 1996. However, since the petitioner did not lead evidence and did not participate in the enquiry, the caste certificate came to be invalidated. The petitioner has challenged the aforesaid decision belatedly after about 16 years. Even otherwise, on consideration of the merits of the contentions, we do not find any substance in the claim of the petitioner.

2. It is informed that, the petitioner secured employment on the strength of the caste certificate and as against a seat earmarked for reserved category. The petitioner has retired on attaining age of superannuation. In these circumstances, although we maintain the order passed by the Scrutiny Committee, we direct the respondent/ employer to extend all the pensionary benefits to the petitioner. It is directed that the pensionary benefits receivable by the petitioner shall not be withheld merely on the ground that the tribe certificate issued in her favour has been invalidated by the Scrutiny Committee and if such monetary benefits have not been paid, those shall be paid to her forthwith.

Writ Petition stands disposed of.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)