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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1982/2011

Vijay Rangrao Pawar.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri N.L. Chaudhari, Advocate for petitioner.

Shri M.B. Bharaswadkar, AGP for respondent nos.1 & 2.

Shri Shrikant S. Patil, Advocate for respondent no.3.

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**CORAM: S.V. GANGAPURWALA &
K.L. WADANE, JJ.**

DATE: 20.08.2016

ORDER :

1] Shri N.L. Chaudhari, learned counsel for the petitioner states that the petitioner belongs to scheduled tribe category. The said caste is subsequently converted into special backward class category. The caste of the petitioner is recognized as a special backward class. The learned counsel submits that since 1990, the petitioner is regularly working. For the first time, on 29.6.2010, the respondent no.3 – bank i.e. the employer of the petitioner issued notice directing the petitioner to submit the caste validity certificate as

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per the norms of the service. The learned counsel submits that the respondent – bank did not consider the Government resolution dated 15.6.1995. The learned counsel submits that the respondent no.3 – bank issued notice dated 17.2.2011 directing the petitioner to submit the validity certificate on or before 28.2.2011 failing which the services of the petitioner would be terminated. The learned counsel submits that the petitioner is still in service and the services of the petitioner are protected by virtue of Government resolution dated 15.6.1995.

2] Shri S.S. Patil, learned counsel for the respondent no.3 submits that the petitioner has secured employment from the reserved category. Unless the validity is submitted, the petitioner cannot seek continuation and protection in service. The notice has been validly issued.

3] We have heard the learned AGP for the State also.

4] The Full Bench of this Court in the case of *Arun Vishwanath Sonone v. The State of Maharashtra & others* reported in **2015 (1) Mh.L.J., 457**, has held that if the person is appointed from the reserved category prior to

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the year 2000 and even if his caste claim is invalidated on any ground except fraud, his services are protected. The Full Bench held that it is obligatory for the person who has sought employment from the reserved category to submit the proposal for validation before the committee.

5] Considering the above, we pass the following order.

ORDER

The petitioner shall submit the caste certificate, to which he belongs, with the respondent no.3 alongwith other relevant documents, within a period of four weeks from today. On receipt of the said certificate and the documents from the petitioner, the respondent no.3 shall forward the proposal to the concerned committee for determination of the caste claim. Till the caste claim of the petitioner is decided by the committee, no adverse action shall be taken by the respondents against the petitioner on the ground of non-submission of validity certificate. Writ petition is disposed of accordingly with no order as to costs.

(K.L. WADANE, J.)

(S.V. GANGAPURWALA, J.)