

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4597/2016

Sidhling Kisan Mangire,
Age 58 years, Occ.Service,
R/o.Kusum Nagar, Bhoom,Tq.Bhoom,
Dist.Osmanabad.

...Petitioner..

Versus

- 1] The State of Maharashtra,
Through Secretary,
Social Welfare Development Department,
Mantralaya, Mumbai.
- 2] The Divisional Caste Scrutiny,Committee
No. 2,Aurangabad Division, Latur.
- 3] The Collector,
Collector Office, Osmanabad.
- 4] The Tahsildar,
Tahsil Office Kallam, Dist.Osmanabad.
- 5] The President,
Shankrao Patil Junior College,
Bhoom, Tq.Bhoom,Dist.Osmanabad,
- 6) The Principal,
Shankrao Patil Junior College,
Bhoom, Tq,Bhoom, Dist.Osmanabad.

...Respondents...

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Shri E.S. Murge, Advocate for petitioner.

Shri P.S. Patil, AGP for respondent nos.1 to 4.

Shri K.R. Doke, Advocate for respondent nos.5 & 6.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 11.08.2016

ORAL JUDGMENTN (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken for final hearing at the stage of admission.

2] The petitioner claims to belong to Lingder caste, which is included in scheduled caste category. The petitioner received the caste certificate issued by the competent authority certifying that he belongs to the aforesaid caste, which is part of scheduled caste category. On the strength of the caste certificate issued to the petitioner, the petitioner on his selection was appointed to the post of junior Lecturer in the college run by the respondent no.5 – institution. The caste certificate issued to the petitioner was referred for verification to the scrutiny committee. However, the scrutiny committee has directed invalidation of the caste certificate by order dated 28.1.2016 and the said adverse decision of the scrutiny committee is subjected to

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challenge in this petition.

3] We have perused the judgment delivered by the caste scrutiny committee and we do not find any illegality or irregularity so as to call interference in exercise of jurisdiction under Article 226 of the Constitution of India. The decision rendered by the scrutiny committee directing invalidation of the caste certificate issued to the petitioner dated 28.1.2016 stands confirmed.

4] The petitioner claims that he was inducted in employment on 13.8.1995 i.e. prior to 2000 and as such in view of the judgment of Full Bench in the case of *Arun Vishwanath Sonone v. State of Maharashtra & others* reported at **2015 (1) Mh.L.J. 457 (FB)**, the request made by the petitioner in the instant petition deserves to be accepted.

6] The petitioner has placed on record an undertaking assuring not to claim any benefits as belonging to scheduled caste category. It is further stated in the undertaking that he is ready to give up the claim raised by him as belonging to scheduled caste category. The undertaking presented by the petitioner is taken on record and marked as Exhibit X for

identification.

7] The order passed by the management directing termination of services of the petitioner on 28.3.2016 is quashed and set aside and the petitioner shall be deemed to be in employment until the date of superannuation i.e. 30.4.2016. The petitioner shall be deemed to be entitled to claim the retirement benefits accruable to him in accordance with law and the relevant regulations. The management – respondent nos.5 & 6 undertake to submit the proposal of the petitioner for grant of pension to appropriate authorities. The petitioner shall be entitled to claim salary until the date of order of termination i.e. 28.3.2016 and he shall not claim salary for a period between 29.3.2016 till 30.4.2016 i.e. the date of superannuation. Rule is made absolute accordingly.

(K.L. WADANE, J.)

(R.M. BORDE, J.)