

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

WRIT PETITION NO. 3433/2016

(PRIYA TUKARAM MOREY **VERSUS** STATE OF MAHARASHTRA & OTHERS)

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

Court's or Judge's orders

Shri S.G. Joshi, counsel for the petitioner.
Ms Ritu V. Kalia, A.G.P. for the R-1 & 2.
Shri P.P. Thakre, counsel for the R-3 & 4.

CORAM : SMT.VASANTI A NAIK AND
MRS.SWAPNA JOSHI, JJ.

DATE : AUGUST 11, 2016.

Shri Joshi, the learned counsel for the petitioner, states that the issue involved in this case stands answered in favour of the petitioner by the unreported judgment of this Court in Writ Petition No.3729 of 2014 and Writ Petition No.4226 of 2014, decided on 12.02.2015 and 26.03.2015, respectively. It is stated that in those cases also, the petitioners had initially claimed to belong to Koli Mahadeo Scheduled Tribe and had subsequently secured the caste certificate of Koli caste and their claim of belonging to Koli caste, which falls in Special Backward Category was validated. It is stated that in the present case also, the petitioner had claimed to belong to Koli Mahadeo Scheduled Tribe and subsequently by giving up her claim, the petitioner claimed to belong to Koli caste and after securing a caste certificate to that effect, the petitioner's caste claim of belonging to Special Backward Category was validated.

The learned counsel for the respondents do not dispute the position of law as laid down by the Full Bench in the judgment reported in **2015(1) Mh.L.J. 457 (Arun Vishwanath Sonone Versus State of Maharashtra & Others)** and the two aforesaid unreported judgments. It is stated that an appropriate order may be passed in this writ petition also.

Since the petitioner is in service as on date, we dispose of the writ petition with a direction to the respondent nos.3 and 4 to protect the services of the petitioner as Assistant Teacher on the condition that the petitioner furnishes an undertaking in this Court and before the respondent nos.3 and 4 that the petitioner would not claim the benefits meant for the Koli Mahadeo Scheduled Tribe, in future.

Order accordingly. No costs.

JUDGE

JUDGE

APTE

CERTIFICATE

I certify that this Judgment/Order uploaded is a true and correct copy of original signed Judgment/Order.

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