

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH AT NAGPUR**

**WRIT PETITION NO.5247/2016**

**Ku. Anita d/o Narayan Bhisikar**

**...Versus...**

**Scheduled Tribe Certificate Scrutiny Committee, Nagpur and 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 Sagar Katkar, Adv. h/f Shri N.R. Saboo, Adv. for petitioner  
Ms Tajwar Khan, AGP for respondents

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

**DATE : 06.12.2016**

Heard.

By this petition, the petitioner had challenged the order of the Scrutiny Committee, dated 30.7.2016, invalidating the claim of the petitioner of belonging to Halba Scheduled Tribe. When the writ petition was argued on 15.9.2016, the learned Counsel for the petitioner had submitted that the petitioner has given up her caste claim and is restricting the petition only in respect of the prayer for protection of the petitioner's services, in view of the judgment of the Full Bench, reported in **2015 (1) Mh.L.J. 457**.

Shri Katkar, the learned Counsel holding for Shri Saboo, the learned Counsel for the petitioner submits that the services of the petitioner on the post of steno-cum-typist, need

to be protected, as the petitioner was appointed before the cut off date on 31.3.1997 and there is no observation in the order of the Scrutiny Committee that the petitioner had fraudulently secured the benefits meant for the Halba Scheduled Tribe. It is stated that the caste claim of the petitioner is invalidated, as the caste claim of some of the close relatives of the petitioner was invalidated. It is stated that in the record pertaining to the father of the petitioner, in the caste column, the caste is recorded as "Halba" and not "Koshti".

Ms Khan, the learned Assistant Government Pleader appearing for the respondents does not dispute that the petitioner was appointed before the cut off date and also that there is no observation in the order of the Scrutiny Committee that the petitioner had fraudulently secured the benefits meant for the Halba Scheduled Tribe.

It is clear from the statements recorded herein above that both the conditions that are required to be satisfied while securing the protection of service, in view of the judgment of the Full Bench stand satisfied in the case of the petitioner, inasmuch as, the petitioner was appointed before the cut off date and there is no observation in the order of the Scrutiny Committee that the petitioner had fraudulently secured the benefits meant for the Halba Scheduled Tribe. As rightly submitted on behalf of the petitioner, the caste claim of the petitioner was invalidated merely because the caste claim of some of the relatives of the petitioner was invalidated by the Scrutiny Committee.

Hence, for the reasons aforesaid, the writ petition is allowed. The respondents are directed to protect the services of

the petitioner on the post of steno-cum-typist on the condition that the petitioner furnishes an undertaking in this Court and before the respondent nos.2 and 3 within four weeks that the petitioner would not seek the benefits meant for the Halba Scheduled Tribe, in future.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

Wadkar