

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

**WRIT PETITION NO. 6778/2016**

(SEEMA LAXMAN KADAM **VERSUS** THE S.T. CASTE CERTIFICATE SCRUTINY COMMITTEE,  
 AMRAVATI & 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 R.S. Parsodkar, counsel for the petitioner.  
 Mrs. H. Prabhu, counsel for the R-1.  
 Shri P.B. Patil, counsel for the R-2 & 3.

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

**DATE : DECEMBER 16, 2016.**

By this writ petition, the petitioner seeks a direction against the respondent nos.2 and 3 to protect the services of the petitioner in view of the judgment of the Full Bench.

According to the petitioner, though the claim of the petitioner of belonging to Thakur Scheduled Tribe is invalidated by the scrutiny committee by the order, dated 04.07.2005, the services of the petitioner are required to be protected as the petitioner was appointed on the post earmarked for the Scheduled Tribes, on 08.02.1984, i.e. before the cut-off date and there is no observation in the order of the scrutiny committee that the petitioner has fraudulently secured the benefits meant for the Thakur Scheduled Tribe.

We have perused the judgment of the Full Bench and the order of the scrutiny committee. The learned Assistant Government Pleader and the learned counsel for the respondent no.2 do not dispute the position of law as laid

down by the Full Bench. Since the petitioner was appointed as an Assistant Teacher in the year 1984, i.e. much before the cut-off date and since there is no observation in the order of the scrutiny committee that the petitioner has fraudulently secured the benefits meant for the Thakur Scheduled Tribe, the services of the petitioner need to be protected. It appears that the caste claim of the petitioner is invalidated only because she was not able to prove her affinity towards Thakur Scheduled Tribe.

Since both the conditions that are required to be satisfied while seeking the protection of services are satisfied in the case of the petitioner, we allow the writ petition and direct the respondent nos.2 and 3 to protect the services of the petitioner on the post of Assistant Teacher only on the condition that the petitioner furnishes an undertaking in this Court and before the respondent nos.2 and 3 that the petitioner would not claim any benefits meant for the Thakur Scheduled Tribe, in future.

Order accordingly. No costs.

**JUDGE**

**JUDGE**

APTE