

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

WRIT PETITION NO. 3345 OF 2015

MEENA BHIKAN RAJPUT
VERSUS
STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Shri Thoke Dhananjay B.
AGP for Respondents/ State : Shri P.S.Patil.
Advocate for Respondents 3 and 4 : Shri R.S.Pawar.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 05th July, 2017

PC.:

1 The Petitioner has challenged the order of the Scrutiny Committee dated 03.02.2015 invalidating her caste claim as belonging to “Rajput Bhamta”, Vimukta Jatis and Nomadic Tribe (VJNT).

2 It is a common ground that the Petitioner was issued the caste certificate by the competent authority stating that she belongs to “Rajput Bhamta”.

3 The Petitioner states that she completed her Diploma in Education (D.Ed.) in the year 1994. An advertisement was issued for filling up the post of Assistant Teacher (Primary) in the Zilla Parishad, Dhule in the year 1996. The Petitioner was selected by the Zilla Parishad, Dhule for appointment on the post of Assistant Teacher (Primary). After following due process of law, an appointment order was issued on 11.12.1996. The Petitioner joined the services in pursuance of this appointment order and thereafter, her caste certificate was forwarded for

scrutiny and verification of the claim. That was to be carried out by the competent Scrutiny Committee. The Scrutiny Committee has invalidated this claim and rejected the caste certificate.

4 We indicated to Shri Thoke that we are not inclined to interfere with the findings of fact which cannot be termed as perverse or vitiated by an error of law apparent on the face of the record. At that point of time, Shri Thoke states that the Petitioner and her family gives up the claim as belonging to “Rajput Bhamta”. None from her family claims the benefits and by relying on this caste certificate. However, the only request made by Shri Thoke is that her services be protected as they have been rendered without any blemish or misconduct on her part continuously for two decades. It is only this request which, according to us, deserves acceptance.

5 In the light of the above, we direct Respondent Nos.3 to 5 to allow the Petitioner to continue her services, but without staking her claim or relying on the caste certificate issued to her stating that she belongs to “Rajput Bhamta” (VJNT). Thus, the Petitioner’s services shall not be terminated only on the ground that she has failed to furnish the caste validity certificate.

6 The Writ Petition is disposed of with this direction.