

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

WRIT PETITION NO. 8536 OF 2016

Bhagwan Babulal Shedke .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Santosh B. Gastgar, Advocate for the Petitioner.

Shri M. B. Bharaswadkar, A.G.P. for Respondent Nos. 1 to 3.

Mrs. Nirmala K. Helkute, Advocate h/f Mrs. Ranjana D. Reddy,
Advocate for Respondent Nos. 4 and 5.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 21ST FEBRUARY, 2017.

PER COURT :

. Mr. Gastgar, the learned counsel for the petitioner submits that, the tribe claim of the petitioner has been invalidated only on the ground that the petitioner has not submitted original tribe certificate. The petitioner had submitted the original tribe certificate along with documents. There is an endorsement to that effect. The vigilance is also conducted. Along with the documents the claim was referred to the Committee in the year 1998. Till the year 2016 the same was pending with the committee. The learned counsel submits that, even otherwise there is no finding of fraud. The petitioner would be entitled for the protection in service considering the fact that the petitioner

is appointed in the year 1998.

2. We have heard the learned Assistant Government Pleader and the learned counsel for respondent Nos. 4 and 5.

3. It is not disputed that, the petitioner has been appointed as conductor in the year 1998 and his tribe claim was referred to the Committee. The petitioner is not given promotion and he is still working as conductor only. The Committee on technical ground has returned the claim, as the petitioner had not submitted the original tribe certificate. According to the petitioner, the original tribe certificate was submitted with the Committee.

4. We are not entering into the said dispute, as even otherwise, the petitioner would be entitled for protection in service in view of the judgment of the Full Bench of this Court in a case of **Arun Sonone Vs. The State of Maharashtra and others** reported in **2015(1) Mh.L.J. 451** and more particularly in view of the fact that there is no finding of fraud, misrepresentation and forgery.

5. In the light of the above, we pass following order.

6. The respondent Nos. 4 and 5 shall not take any adverse action against the petitioner only on the ground that his tribe claim has not been validated. The writ petition accordingly is

disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 17