

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

**WRIT PETITION NO. 12621 OF 2016**

Vivek S/o Kishanrao Chanmanwar

**Petitioner**

**V E R S U S**

The State of Maharashtra & 2 Ors.

**Respondents**

*Mr. N.S. Kadam, Advocate for the petitioner  
Smt. V.H. Patil, A.G.P. for respondent No.1 & 2  
Mr. M.P. Tripathi, Advocate for respondent No.3*

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

**DATE : 27th FEBRUARY, 2017**

**PER COURT :**

1. Learned counsel for the petitioner submits that the Caste claim of the petitioner has been invalidated. According to the learned counsel, only on the ground that the documents are not available, the claim of the petitioner is invalidated. There is no contra evidence on record. Learned counsel submits that the petitioner is appointed prior to 2001, therefore, his services are necessary to be protected.

2. Learned A.G.P. submits that no documentary evidence in respect of petitioner's father or brothers was produced on record. Considering the same, the evidence was insufficient to grant him validity certificate.

3. Mr. Tripathi, learned counsel for respondent No.3 submits that it is acceptable that the petitioner is working as full-time teacher since 1988. His services are also approved.

4. The Committee while invalidating caste claim of the petitioner has observed that the petitioner could not prove his caste as "Yelmalwandalu" scheduled caste. The Vigilance Report is also considered. Except the record of the petitioner and his brother, no other evidence is available to substantiate the contention of the petitioner. The evidence was too short to grant validity to the petitioner.

5. However, it is not the observation of the Committee that the petitioner has obtained the Caste

Certificate by fraud or misrepresentation. As such, in view of the Judgment of the Full Bench of this Court in the case of ***Arun s/o Vishwanath Sonone Vs. State of Maharashtra and others, reported in 2015 (1) Mh.L.J. 457***, the service of the petitioner can be protected. In the light of above, we pass the following order :-

**O R D E R**

- (A) The Judgment of the Committee thereby invalidating the caste claim of the petitioner is upheld.
- (B) The respondent No.3 shall not take any adverse action against the petitioner only on the ground that his caste claim is invalidated. However, the petitioner is entitled for protection in service. The petitioner shall not be entitled to take benefit of said Caste Certificate in any walk of life.
- (C) The entry of this order be taken in the service book of the petitioner.

(D) Writ Petition is disposed of. No costs.

( K.L. WADANE, J.)

( S.V. GANGAPURWALA, J. )

SRM/27/2/17