

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12673 OF 2016

Syed Mukhtar Ahamad S/o Syed Nabi

Petitioner

V E R S U S

The State of Maharashtra & 5 Ors.

Respondents

Mr. S.B. Gastgar, Advocate for the petitioner

Smt. M.A. Deshpande, A.G.P. for respondent Nos.1 to 4

*Mr. Vakas S. Kodak, Advocate, holding for
Mr. V.D. Gundre, Advocate for respondent Nos.5 & 6*

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

DATE : 27th FEBRUARY, 2017

PER COURT :

1. Mr.Gastgar, learned counsel for the petitioner submits that the petitioner belongs to "Pinjara" caste. The evidence in that respect is also placed on record. Even the Validity Certificate of his near cousin is also placed on record, but the same

has not been considered by the Committee. Learned counsel further submits that the Caste Scrutiny Committee has rejected the claim of the petitioner only on the ground that on one document caste "Pinjari" is written in dark ink, the claim of the petitioner is invalidated. The same is erroneous.

2. Learned counsel further submits that the petitioner is appointed in the year 1998. There is no fraud on the part of the petitioner, and therefore, his services be protected.

3. It has been observed by the Committee that as per the old record, the word "Pinjara" is mentioned, but it is not a proper evidence. Considering the report of the Vigilance and in absence of substantial evidence, the Committee has rejected the claim of the petitioner. The same is legal and proper.

4. The petitioner was appointed in the year 1998 with respondent Nos.5 and 6. The petitioner would be entitled for protection in service in view of the

Judgment of the Full Bench in a case of **Arun s/o Vishwanath Sonone Vs. State of Maharashtra and others, 2015 (1) Mh.L.J. 457.** In the light of above discussion, we proceed to pass the following order :-

O R D E R

- (A) The order of the Committee invalidating caste claim of the petitioner is upheld.
- (B) The respondent Nos.5 and 6 shall not take any adverse action against the petitioner only on the ground that his caste claim is invalidated. However, the petitioner shall not take benefit of reservation on the basis of Caste Certificate in any walk of life.
- (C) The entry of this order be taken in the Service-Book of the petitioner.
- (D) In view of above, Writ Petition is disposed of. No costs.

(**K.L. WADANE, J.**)

(**S.V. GANGAPURWALA, J.**)

SRM/27/2/17