

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 6069 OF 2013

Suresh Baban Sambare

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

Mr. Chintamani Bhangoji, for the Petitioner.

Ms. Neha Bhide 'B' Panel Counsel, for the Respondent Nos.1,2 and 4.

Mr. Rajendra Anbhule, for Respondent No.3.

CORAM :- **S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- **MARCH 1, 2017.**

P. C.:

After this Writ Petition was argued for some time and we expressed our disinclination to interfere with the order of the Scheduled Tribe Certificate Scrutiny Committee, Pune Region, Pune dated 18th April, 2013, on instructions, Mr Bhangoji appearing for the Petitioner would submit that this order invalidates the claim of the Petitioner as belonging to Koli Mahadeo Scheduled Tribe. However, the Scrutiny

Committee in the impugned order has referred to various documents and materials indicating that the Petitioner belongs to Hindu Koli Caste. He would rely upon paragraphs 5 to 8 of the impugned order to submit that now at-least the Committee opines that the Petitioner is not belonging to Koli Mahadeo Scheduled Tribe but is a Hindu Koli and therefore, benefit of Government Resolution dated 15th June, 1995 be granted to him.

2 It is submitted that the Petitioner was appointed as a Peon by the then Pune University-Respondent No.3 on 13th May, 1991 against a reserved post. The Petitioner would be thrown out of employment, if this Writ Petition is dismissed and order of the Scrutiny Committee is confirmed.

3 After having heard the Petitioner's advocate on this limited request and finding that the Petitioner has unconditionally given up his claim as belonging to Mahadev Koli Scheduled Tribe and which would also binds his progeny for caste is taken and comes through the father then, we can

safely consider this request and issue the following directions:-

(a):- The Petitioner's services shall not be terminated and he may be allowed to complete the service with the Pune University till he attains the age of superannuation.

(b):- The Petitioner shall not be terminated or removed from the same only on the ground that he has failed to submit or produce a caste / tribe validity certificate as belonging to Hindu Mahadev Koli Scheduled Tribe nor could he substantiate or prove his claim before the Committee. This order and direction does not mean that the Petitioner cannot be terminated or removed from the service on proven misconduct.

(c):- The above benefits shall accrue to the petitioner on his furnishing a written undertaking to the Pune University within a period of four weeks from today and as stated before this Court namely, that he and all his family members and

successors would not claim any benefit of Hindu Mahadev Koli Scheduled Tribe by relying upon a caste certificate issued on 22nd November, 2001 to the Petitioner and wrongly described as the certificate issued on 22nd January, 2001 in the prayers of the Writ Petition.

(d):- In the event the undertaking as directed above in writing is not furnished and within the time stipulated above, no benefit of this order can be availed of by the Petitioner.

(e):- The Writ Petition is disposed off in the above terms but without imposing any costs.

(f):- This order cannot be treated as a precedent for future cases and where it is found that invalidation of the claims of Hindu Mahadev Koli Scheduled Tribe by this Scrutiny Committee is on the grounds and for the reasons enumerated in the impugned order.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)