

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 4428 OF 2018

Ravindra Sidram Rayamane	]	
Age : 55 Years, Occ.Nil,	]	
R/o. 916, A-2 Rangkamal Nagar,	]	
Deokar Panand, Kolhapur,	]	
District - Kolhapur	]	<u>... Petitioner.</u>

Versus

1.	The State of Maharashtra	]	
	Through its Secretary,	]	
	Higher Education Department,	]	
	Mantralaya, Mumbai.	]	
2.	The Registrar,	]	
	Shivaji University, Kolhapur,	]	
	District - Kolhapur.	]	
3.	The Director	]	
	Board of College and University	]	
	Development Shivaji University,	]	
	Kolhapur, District - Kolhapur.	]	
4.	The President	]	
	The Council of Education's	]	
	Night College of Arts and Commerce,	]	
	Azad Chowk, Kolhapur,	]	
	District - Kolhapur.	]	
5.	The Principal,	]	
	Night College of Arts and Commerce,	]	
	Azad Chowk, Kolhapur,	]	
	District - Kolhapur.	]	<u>... Respondents.</u>

- Mr.Ashwin V. Sakolkar for the Petitioner.
- Mrs.Vaishali Nimbalkar, AGP for Respondent No.1-State.
- Mr.Abhijeet Adgule for Respondent Nos.4 and 5.

CORAM : DR.SHALINI PHANSALKAR-JOSHI, J.

DATE : 26th NOVEMBER, 2018.

ORAL JUDGMENT :

1] Heard learned counsel for both the parties.

2] Rule. Rule made returnable forthwith with the consent of learned counsel for the parties.

3] The Petitioner herein taken an exception to the judgment and order dated 15/09/2017 passed by the Presiding Officer of the University Tribunal, Pune University Campus in Appeal No.3 of 2016.

4] The Petitioner was appointed to the post of 'Lecturer' on 01/07/1986. In the year 2004, he was asked to submit 'Caste Certificate', as his appointment was in the reserved category. On the production of the 'Caste Certificate' by the Petitioner, it was forwarded to Caste Scrutiny Committee, Kolhapur. As the Caste validity Scrutiny Committee had rejected the claim of the Petitioner for want of sufficient evidence on 27/12/2015, the service of the Petitioner came to be terminated on the same ground.

5] Being aggrieved by the said order of the Caste Verification Scrutiny Committee, the Petitioner had filed Writ Petition No.193 of 2016. As per the order passed in the said Writ Petition on 17/10/2018, his Writ Petition was allowed and it was held that he belongs to the "Chambhar" Community, which is a Scheduled Caste and accordingly, Caste Scrutiny Committee was directed to issue Caste Validity Certificate to the Petitioner within a period of two weeks there from. There is nothing on record to show that the said decision of the Caste Scrutiny Committee is challenged by the Respondents in the said Petition.

6] In view of the order passed by this Court on 17/10/2018, declaring the Petitioner to be belonging to the Scheduled Caste and therefore, to the 'Reserved Category', now the Petitioner needs to be reinstated with back-wages and consequential benefits by setting-aside the order passed by the College Tribunal. Needless to state that this order will be subject to the outcome of any further legal action, if any, to be taken by the State Government of challenging the order passed by this Court in Writ Petition No.193 of 2016 declaring the Petitioner to be belonging to the 'Reserved Category' and Scheduled Caste of Chambhar.

7] Learned counsel for the Petitioner, upon instructions, makes a statement that the Petitioner would not claim any interest on back-wages or any other consequential benefits.

8] In view thereof, having regard to the similar order passed by this Court in Writ Petition No.11197 of 2018 in Shri Kumar Hanamant Mane Vs. State of Maharashtra and Others, dated 25/10/2018, this Writ Petition is also allowed.

9] Respondent No.2 shall allow the Petitioner to join the service with effect from 1st December, 2018.

10] Rule is made absolute in above terms.

[DR.SHALINI PHANSALKAR-JOSHI, J.]