

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**  
**NAGPUR BENCH, NAGPUR**

**Writ Petition No.2115 of 2017**

Vinod Wasudeo Shewatkar

Versus

State of Maharashtra, through its Secretary, Department of Social Justice and  
Special Assistant, Mantralaya, Mumbai, and others.

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Office Notes, Memoranda of Coram,  
 appearances, Court's orders or directions      Court's or Judge's orders  
 and Registrar's order

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Shri Kunal Nalamwar, Advocate for Petitioner.

Shri A.A. Madiwale, Assistant Government Pleader for Respondent  
 Nos.1 and 4.

Shri A.D. Mohgaonkar, Advocate for Respondent Nos.2 and 3.

**Coram : R.K. Deshpande & Vinay Joshi, JJ.**

**Date : 7<sup>th</sup> August, 2019**

The petitioner was appointed on 17-10-1992 as Sub-Engineer (Generation) in the establishment of the respondent Nos.2 and 3 against the post reserved for Nomadic Tribe-B category. On 5-9-2014, the service of the petitioner was terminated on the ground that the petitioner failed to produce the caste validity certificate within the stipulated period. This was the subject-matter of challenge in Writ Petition No.5205 of 2014, which was partly allowed on 23-3-2015. This Court directed the Scrutiny Committee to decide the caste claim of the petitioner within the stipulated period and kept the issue of termination or protection of service open to be agitated. On 20-3-2017, the claim of the petitioner for 'Tirmal Nomadic Tribe-B' caste was invalidated and this petition was filed on 5-4-2017 seeking protection of service on the basis of the decision of the Full Bench of this Court in the case of *Arun s/o Vishwanath Sonone v. State of*

*Maharashtra and others*, reported in 2015(1) Mh.L.J. 457.

The decision of the Full Bench of this Court in *Arun Sonone's* case, cited supra, has been reversed by the Apex Court in the case of *Chairman and Managing Director, Food Corporation of India, and others v. Jagdish Balaram Bahira and others*, reported in (2017) 8 SCC 670. In view of this, the petitioner is not entitled to protection of service upon invalidation of his caste claim.

The petition is, therefore, dismissed.

(Vinay Joshi, J.)

(R.K. Deshpande, J.)