



IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.3219/2020

Naresh Sitaramji Dudhkaware,
aged 54 Yrs., Occ. Assistant Teacher,
R/o Jaisingh Layout, Panchawati
Katol, Dist. Nagpur.

... Petitioner

- Versus -

1. Scheduled Tribes Caste Certificate
Scrutiny Committee, through its
Member Secretary, Adiwasi
Bhawan, Giripeth, Nagpur.
2. R.M. Ingole High School &
Junior College Bharsingi,
Tq. Narkhed, Dist. Nagpur,
through Headmaster.
3. Education Officer (Secondary),
Zilla Parishad, Civil Lines,
Nagpur 440 001.

... Respondents

Mr. R.S. Parsodkar, Advocate for the Petitioner.
Ms. K.R. Deshpande, Assistant Government Pleader for
Respondent Nos.1 and 3.
Mr. N.D. Khamborkar, Advocate for Respondent No.2.

CORAM :- SMT. ANUJA PRABHUDESAI &
MRS. VRUSHALI V. JOSHI, JJ.
DATED :- 19.12.2023

JUDGMENT (Per Mrs. Vrushali V. Joshi, J.)

Heard. **Rule.** Rule made returnable forthwith.

Heard finally by consent of the learned Counsel for the parties.

2. The petitioner has challenged the order dated 6.2.2020, passed by the Scheduled Tribe Caste Scrutiny Committee invalidating the caste claim of the petitioner as “Gond Gowari”.

3. The petitioner further seeks directions against respondent No.2 to release the retiral benefits which have been withheld due to invalidation of the caste claim.

4. The petitioner was appointed as assistant teacher in respondent No.2-high school and Junior College. He had submitted his caste certificate as belonging to “Gond Gowari”

Scheduled Tribe. The caste Scrutiny Committee has validated the caste claim. In the meanwhile, the petitioner has superannuated and his retiral benefits have been withheld in view of invalidation of the caste claim.

5. Learned counsel for the petitioner under instructions submits that the petitioner restricts the relief to prayer clause 1-a i.e. the prayer for directing to respondent No.2 to release retiral benefits.

6. Learned counsel for the petitioner has relied upon Government Resolution dated 14.12.2022 as well as decisions of this Court in Writ Petition No. 248 of 2020 (Shamrao Shrawanji Nikhare (dead) through Legal Heirs .v/s. Scheduled Tribe Caste Certificate Scrutiny Committee and anr.).

7. The Government Resolution dated 14.12.2022 spells out the policy decision of the Government that the

Government employees should not be deprived of retiral benefits in view of invalidation of caste claim. Relying upon the said Government Resolution, this Court has in the aforestated cases ordered release of retiral benefits. The case in hand is squarely covered by the said Government Resolution and the decision.

8. Hence, the petition is allowed in terms of prayer clause (1-a). The respondent No.2 is directed to release the retiral benefits of the petitioner within eight weeks from the date of receiving of copy of this judgment.

9. Rule is made absolute in the aforesaid terms. There shall be no orders as to costs.

(MRS. VRUSHALI V. JOSHI, J.)

(SMT. ANUJA PRABHUDESAI, J.)