

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 7606 OF 2022

Vijaysingh Raghuveersingh Chavan, **Petitioner**
Aged about 60 years, Occup.
Retired, R/o Bhavanipura, Borgaon
(Manju), Tahsil and District Akola.

-Vs.-

1. Regional Office of Vocational Education and Training, through its Deputy Director, Morshi Road, Amravati, Tahsil and District Amravati.
2. District Vocational Education and Training Officer, Ganesh Nagar, Buldhana, Tahsil and District Buldhana.
3. Principal, Shri.Pundlik Maharaj Mahavidyala,Nandura Tahsil Nandura, District Buldhana.
4. Secretary, Shivaji Education Society, Camp Amravati, Tahsil and District Amravati.

Respondents

Ms.Mangesh Bute, counsel for the petitioner.
Mr.S.M.Ukey, Addl.G.P for respondents 1 and 2.
Mr.PV.Deshmukh, Counsel for respondent 4.

**CORAM:ROHIT B. DEO AND
MRS. VRUSHALI V. JOSHI, JJ.**

DATE : 19th APRIL, 2023

ORAL JUDGMENT (Per : Vrushali V.Joshi, J.)

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

2. The pension case of the petitioner is not finalized, and he has been asked to submit the caste validation order. The petitioner was appointed as Junior Clerk in the Vimukt Jati category in 1999 and he superannuated on 30-6-2021. The petitioner contends that while he has obtained the certificate from the competent authority of “Rajput Bhamta”, the caste certificate is not scrutinized or verified by the Scrutiny Committee on the premise that verification shall be done only in cases of new appointments and promotions.

3. It is after the superannuation of the petitioner that respondent 1 called upon the petitioner to produce the validity certificate. The petitioner asserts that the insistence to seek the caste validation certificate after superannuation is clearly arbitrary. It is emphasized that while in service, no step was taken to have the caste certificate of the petitioner verified. On the contrary, the Caste Scrutiny Committee did

not verify the caste certificate in the year 2005 or thereabout and the institution took no further steps in the matter.

4. Similar issue is considered by the Coordinate Bench of this Court in **Writ Petition 2474/2021** (*Uday S/o Murlidhar Kohat v. The State of Maharashtra and others*) and **Writ Petition 547/2021** (*Namdeo s/o Dashrath Nikhare v. Secretary, Public Works Department and others*).

5. The consistent view of the High Court is that if no action is initiated to have the caste certificate verified while the employee was in service, after superannuation pensionary benefits cannot be withheld on the premise that the employee shall have to submit the validity certificate.

6. We, therefore, allow the petition in terms of prayer clause (i), which reads thus :-

“(i) Direct the respondent 1-Regional Office of Vocational Education & Training, Amravati, District – Amravati to release the pension and pensionary benefits to the petitioner.”

7. We further direct that the pensionary benefits shall be released within three months from the date of uploading of the judgment on the High Court Website.

8. Rule is made absolute in the afore-stated terms. No order as to costs.

(MRS.VRUSHALI V. JOSHI, J)

(ROHIT B. DEO)