



IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD.

73 WRIT PETITION NO. 11916 OF 2021

SAKHARAM BHATU WAKADE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for the Petitioner : Mr. Yeramwar S.C.

AGP for Respondent/State : Ms. V.S. Chaudhari

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CORAM : NITIN B. SURYAWANSHI AND

VAISHALI PATIL-JADHAV, JJ.

DATED : 15th DECEMBER, 2025.

ORDER :

. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks following directions :-

"(B) To direct the Respondents No.2 and 3 to forthwith grant and release the pension and all the pensionary benefits to the Petitioner as he is retired from service by superannuation on 30.4.2019, by issuing appropriate writ, orders, or directions as the case may be;

(C) To direct the Respondents No.2 and 3 to forthwith grant provisional pension and release all the pensionary benefits to the petitioner pending hearing and final disposal of the present Writ Petition.

2. Brief facts of the case are that the petitioner was appointed as junior clerk by order dated 03.12.1983 issued by Tribal Development, Maharashtra State, Nashik and was posted at Government Post Basic Ashram School, Palsunde, Dist. Thane. His services were confirmed by order dated 11.04.1990. Though the petitioner was appointed from Scheduled Tribe Category, he decided to

opt for service protection in terms of Government Resolution dated 15.06.1995 and circular dated 18.05.2013. Accordingly, he obtained the caste certificate as belonging to "Koli-Special Backward Class" from Assistant Collector, Taloda Division, Taloda on 26.07.2013. The said certificate was forwarded to the Divisional Caste Certificate Scrutiny Committee No.2, Nashik Division, Dhule for verification through the Headmaster Government Secondary Ashram School Sultanpur, Tq.Shahada on 09.06.2013 where the petitioner was at the relevant time posted. Caste Certificate of the petitioner is validated by the Committee on 14.01.2016. It appears from the record submitted by the petitioner that on 25.10.2016, the petitioner addressed communication to respondent no.2 informing that the petitioner is issued validity certificate of Koli-SBC on 14th January, 2016 and the same was submitted by the petitioner to Government Secondary Ashram School, Sultanpur through Headmaster and the Project Office Nandurbar, however, entry of the same is not taken in his service book and the entry of SBC category be taken in his original service book. Categorical statement is made by the petitioner in paragraph no.4 that he was transferred to the office of respondent no.2 and thereafter the above application was filed.

3. There appears substance in this contention of the petitioner as in the common seniority list published on 3rd May, 2017 by respondent no.2, petitioner's name appears at Sr. No.392 and in the caste column his caste is mentioned as "Koli (SBC)". The petitioner stood retired on 30th April, 2019 on completion of his 58 years of age, however retiral benefits were not given to the petitioner on the ground that the petitioner has not submitted validity certificate of ST category. Hence this petition.

4. The respondents have come up with a case that they have not received the application dated 25.10.2016 as claimed by the petitioner. According to them, on that date, the petitioner has submitted casual leave application and not application seeking entry of SBC in his original service book. The said contention is unacceptable as the petitioner has placed on record photocopy of the said application dated 25.10.2016, wherein there is acknowledgment of even date and inward is mentioned as 12593. The respondents alongwith their reply have placed on record copy of the inward register. On perusal of the said copy, it is evident that at entry 12593, petitioner's name is mentioned and the line in the remarks column is scored and it is mentioned that "विशेष मागास प्रवर्गाचे फायदे देणे बाबत". Learned A.G.P. has tried to urge that there is scoring in the said entry, and therefore, the petitioner's contention is unacceptable. We do not agree. It is the record maintained by the respondents and it has come from the proper custody. If there is scoring, the respondents are answerable to explain the same and they cannot blame the petitioner for the said scoring. We, therefore, reject the contention of the respondents that since there is scoring, the petitioner has not submitted application seeking entry of SBC category in his service book.

5. Learned A.G.P. then would urge that guidance was sought from the Government in case of the petitioner and the Government has informed that since the petitioner has failed to submit the validity certificate of SBC category during his service period, the benefits cannot be extended to the petitioner. Even this contention is to be rejected in view of the fact that the petitioner has submitted his validity certificate of SBC category way back in the year 2016 through proper

channel, however, respondent no.2 has failed to take the same into consideration and retiral benefits are erroneously denied to the petitioner. The action on the part of the respondents denying retiral benefits to the petitioner is arbitrary, unreasonable and irrational.

6. In the result, writ petition is allowed. Respondents are directed to submit the pension proposal of the petitioner within four weeks from today and extend the retiral benefits to the petitioner within 12 weeks thereafter along with interest as per rules.

7. Needless to state that the petitioner shall be treated as belonging to Koli SBC category.

8. With the above directions, writ petition is disposed of.

(VAISHALI PATIL-JADHAV,J.)

(NITIN B. SURYAWANSHI,J.)