



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

WRIT PETITION NO.3047/2019

Sadashiv s/o Keshaorao Ukande Vs. The Principal, Kisanlal Nathmal Art & Commerce College and others

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Mr.S.D.Khati, Advocate for petitioner
Mr. Monesh Sarda, Advocate for respondent no.1.
Mr. S.M.Ghodeswar, AGP for respondent no.2.

CORAM : NITIN W. SAMBRE & MRS. VRUSHALI V. JOSHI, JJ.
DATE : MARCH 10, 2025.

1. Heard.
2. Leave to amend so as to add Social Welfare District Caste Scrutiny Committee, Amravati as a party-respondent.
3. Mr. S.M.Ghodeswar, learned Assistant Government Pleader waives notice for the respondent no.2.
4. The prayer in the petition is for issuance of directions to the respondent no.2 – Joint Director, Higher Education, Amravati Division, Amravati to forward the case of the petitioner for grant of pensionary benefits post superannuation for the post of the Office Superintendent.
5. The facts necessary for deciding the petition are as under:

On 16th July, 1990 after he having appointed as a Junior Clerk from the scheduled tribe category, was promoted to the post of the Head Clerk on 24th June, 2009.
6. Failure of the petitioner to submit caste validity certificate has resulted into an order of reversion. However, the claim appears to have

been rejected by the Committee and the said order of the Committee thereby invalidating the tribe claim of the petitioner belonging to Halba scheduled tribe has attained finality.

7. In this background, it is the contention of the counsel for the petitioner that post his superannuation on 31st December, 2018, the petitioner is entitled for the benefits of the Government Resolution dated 15th June, 1995 and the invalidation of his tribe claim on 27th July, 2016 will be of hardly any impediment in the said issue. According to Mr. Khati, the petitioner is not shy of getting the certificate of belonging to Koshti SBC and is willing to apply for issuance of validity in view of stand of the respondent no.2. He would invite attention of this Court to the stand of the respondent no.2 reflected at paragraphs 10 and 11 in the reply which read thus:

"It is further most respectfully submit that, the petitioner is claiming pensionary benefits on the account of Government Resolution dated 15th June, 1995 issued by the General Administrative Department, State of Maharashtra. It is submitted that, said Government Resolution would be applicable to the petitioner, if he produce Caste Validity Certificate of Koshti Caste to the authorities for getting pensionary benefits. The petitioner was already requested to submit the Caste Validity Certificate as that of belonging to Koshti Community. If the caste claim of the petitioner is forwarded to the Caste Scrutiny Committee for verifying his Koshti certificate then after issuance of such Caste Validity Certificate, the prayer of the petitioner for grant of pensionary benefits can be considered. The Management i.e. respondent no.3 is therefore, required to send such proposal to the answering respondent which can be proceeded further in accordance with law.

11. In this background the claim of the petitioner is not legal and devoid of merit and substance. However, the petitioner may avail opportunity in terms of Government Resolution dated 21.12.2019 and 14.12.2022. In such circumstances the petition is liable to be dismissed in the interest of justice".

8. In this background, he submits that the petitioner shall obtain a certificate of belonging to Koshti SBC and if this Court directs the Committee to look into the same, he will be in a position to apply for the validity and submit the result viz. validity certificate to the respondent for processing his request.

9. Mr. Ghodeswar, learned Assistant Government Pleader submits that in case if the petitioner follows the aforesaid procedure, the request of the petitioner can be dealt with for the release of pensionary benefits in accordance with law.

10. That being so, we intend to pass the following order:

(i) We deem it appropriate to dispose of the petition by permitting the petitioner to apply to the Social Welfare Committee for issuance of SBC certificate. Once he gets the certificate of Koshti SBC, the Committee if so approached by the petitioner shall not return the claim of the petitioner for want of appropriate directions as the petitioner based on the same is claiming the terminal benefits. The Social Welfare Committee in accordance with law shall decide the claim of the petitioner for issuance of

benefits expeditiously, if the same is applied for and in any case within a period of four months from the date of the application. The petition accordingly stands disposed of.

(ii) In case if the petitioner gets a validity certificate of belonging to Koshti SBC he shall accordingly submit the said validity certificate to the respondent-employer who in turn shall within a period of two weeks of submission of such validity certificate shall prepare the proposal for release of pensionary benefits in favour of the petitioner within two weeks of receipt of the same.

(iii) We make it clear that if the order of the Committee if adverse to the interest of the petitioner, it shall be open for him to challenge the same.

(iv) Once such proposal is received by the respondent-employer, the same be processed and appropriate decision thereon be communicated to the petitioner within a period of eight weeks from the date of receipt of such proposal.

(MRS.VRUSHALI V. JOSHI, J.)

(NITIN W.SAMBRE, J.)