



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO. 3624 OF 2022

PETITIONER : Vishwas S/o. Nagorao Patil (Fukat),
Aged about 52 Years, Occ. Service,
R/o. Agar, Tah. & District – Akola.

//VERSUS//

RESPONDENTS : 1. The State of Maharashtra, through its
Secretary Education Department,
Mantralaya, Mumbai – 32.

2. Zilla Parishad, Buldhana, through its
Chief Executive Officer, Distt.
Buldhana.

3. Education Officer (Primary), Zilla
Parishad, Buldhana, District –
Buldhana.

Mr. M.V. Bute, Advocate for the Petitioner.
Mr. A.M. Kadukar, AGP for Respondent No.1.
Mr. T.M. Zaheer, Advocate for Respondent Nos.2 & 3.

CORAM : SMT. M.S. JAWALKAR AND
RAJ D. WAKODE, JJ.

DATED : 17th SEPTEMBER, 2025.

ORAL JUDGMENT :- (PER : SMT. M.S. JAWALKAR, J.)

Heard. **RULE.** Rule made returnable forthwith. Heard
finally by consent of the parties.

2. The present petition is filed being aggrieved by the order passed by respondent No.2 – Chief Executive Officer, Zilla Parishad, Buldhana, dated 13/06/2022.

3. The petitioner was appointed on 06/10/1992 on the post of Assistant Teacher and joined his duties at Panchayat Samiti, Shegaon, District Buldhana. Though his initial appointment was on the basis of caste 'Mahadev Koli' (Scheduled Tribe), he obtained a caste certificate of belonging to 'Koli' (Special Backward Category). His claim of validity was allowed by the Caste Scrutiny Committee and a caste certificate of 'Koli', which is recognized under the Special Backward Category, was issued on 18/11/2014. This certificate was produced before the respondents by the petitioner on 18/11/2014. The petitioner relied on the Government Resolution dated 15/06/1995, wherein it is specifically mentioned that persons belonging to Special Backward Class who have obtained a certificate belonging to Scheduled Tribe and obtained services in Government/Quasi-Government, their services shall not be terminated on the count that they have not obtained a validity certificate of Scheduled Tribe. In view of this Government Resolution, the impugned order is not sustainable and is liable to be quashed and set aside.

4. Hence, we proceed to pass following order:

ORDER

(a) The writ petition is **allowed**.

(b) The impugned order dated 13/06/2022, passed by respondent No.2 – Chief Executive Officer, Zilla Parishad, Buldhana, is hereby quashed and set aside.

(c) The respondents are directed not to terminate the services of the petitioner on the count that he failed to produce validity certificate of 'Mahadev Koli' Scheduled Tribe.

(d) The respondents to act as per the Government Resolution dated 15/06/1995.

(e) Rule is made absolute in the above terms. No costs.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Vijaykumar