



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

WRIT PETITION NO. 4226 OF 2021

Sachin S/o Jaipal Raut,
Aged about 31 years, Occ. Service
R/o at and Post Birsa Munda Chowk,
Shivnagar Sendurwafa, Tq. Sakoli,
District Bhandara

...Petitioner

// VERSUS //

1. The State of Maharashtra,
Revenue and Forest Department,
Mantralaya Mumbai through its
Secretary
2. The Sub-Division Officer, Gondia, Tq.
And Dist. Gondia
3. The Collector,
Gondia, Tq. & Dist. Gondia
4. The Sub Divisional Officer, Tiroda,
Dist. Gondia

... Respondents

Shri Ashwin Deshpande, Advocate for the petitioner.
Mrs. S.V.Kolhe, AGP for the respondent nos. 1 to 4.

CORAM : SMT. M.S.JAWALKAR &
PRAVIN S. PATIL, JJ.

DATED : 8th AUGUST, 2025.

ORAL JUDGMENT : (PER : PRAVIN S. PATIL, J.)

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

2. By this petition, petitioner is challenging his termination order dated 28th January, 2022 issued by respondent no.4, in view of invalidation of his caste claim belonging to “Gond-Gowari” Scheduled Tribe, by Caste Scrutiny Committee, Nagpur vide order dated 31st August, 2021.

3. It is not disputed that appointment of petitioner against the post of “Talathi” was made by respondent no.3 by following due procedure of law on 29th November, 2019. At the relevant time, Caste Gond Gowari, in view of judgment of this Court was treated as Scheduled Tribe. But subsequently, judgment of this Court was turned down by Hon’ble Supreme Court of India. However, Hon’ble Supreme Court extended protection to the services of candidates whose appointment was made in between the judgment of this Court till the judgment delivered by Hon’ble Supreme Court of India.

4. It would be relevant to reproduce the observation of the judgment of Hon’ble Supreme Court in the case of State of Maharashtra Vs. Keshao Sonone and others reported in 2020 SCC Online SC 1040, wherein Hon’ble Supreme Court has observed in paragraphs 103 and 104, which reads thus:

“103. Now, we come to the last submission of Shri Rohtagi. Shri Rohtagi submits that Scheduled Tribe Certificate to the members of ‘Gowari’ community was granted after the judgment of the High Court dated 14.08.2018, on the basis of which certificates large number of students have taken admission in different educational institutions taking benefit of Scheduled Tribes as well as employment at various places as Scheduled

Tribes candidates which need to be protected by this Court. After the declaration granted by the High Court, the authorities proceeded to grant Scheduled Tribe certificate to the 'Gowari' community and it is true that on strength of such Scheduled Tribe certificate, several students must have taken admission in different courses as Scheduled Tribe candidate and persons have also secured employment as Scheduled Tribe candidate. The State of Maharashtra has belatedly filed these appeals which delay in filing these appeals have already been condoned by us and there being no interim orders in these appeals staying the effect of judgment of the High Court, grant of Scheduled Tribe certificate was natural consequence of the judgment of High Court.

104. We in the ends of justice directs that the admission taken and employment secured by the members of 'Gowari' community on the basis of Scheduled Tribe certificate granted to them between 14.08.2018 till date shall not be affected by this judgment and they shall be allowed to retain the benefit of Scheduled Tribe obtained by them. However, the above Scheduled Tribe candidates shall not be entitled to any further benefit as Scheduled Tribe except their initial admission in different courses or employment at different places on the strength of Scheduled Tribe certificate given to the 'Gowari' Community obtained between 14.08.2018 and this day."

5. From this it is clear that Hon'ble Supreme Court of India by its judgment dated 18th December, 2020 passed in Civil Appeal No. 4096 of 2020 granted protection to the services of candidates appointed during the period from 14th August, 2018 to 18th December, 2020.

6. In the present petition, it is clear that on the date of issuance of impugned termination order dated 28th January, 2022, the protection was already extended by Hon'ble Supreme Court of India and same was/is applicable to the services of petitioner. Therefore, *prima facie* impugned termination order is illegal as was issued contrary to the directions of

Hon'ble Supreme Court of India. Hence, we proceed to pass following order.

- i. The impugned termination order dated 28th January, 2022 issued by respondent no.4 is hereby quashed and set aside.
- ii. It is hereby declared that petitioner is entitle for protection of his services against the post of 'Talathi' made vide appointment order dated 29th November, 2019 by respondent no.3-Collector, Gondia in terms of protection granted by Hon'ble Supreme Court of India in the case of State of Maharashtra Vs. Keshav V. Sonono in Civil Appeal No. 4096 of 2020 (arising out of SLP (C) No. 15044/2020).
- iii. Respondents are directed to reinstate the petitioner with immediate effect on his former post of "Talathi" with continuity of service and all consequential service benefits including backwages from the date of termination till the date of reinstatement.

Rule is made absolute in above terms. No order as to costs.

[PRAVIN S. PATIL, J.]

[SMT. M.S.JAWALKAR, J.]