



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

WRIT PETITION NO. 6254 OF 2022

Ms. Shubhangi D/o Shriram Raut,
Aged about 28 years, Occ. Service,
R/o At Rasa, Ward No. 2, P.O. Kalamb,
Taluka Kalamb, District Yavatmal-

...Petitioner

// VERSUS //

1. District Caste Certificate Scrutiny Committee, Yavatmal Division, Kapaswadi Camp, Yavatmal, Maharashtra through its Member Secretary
2. State of Maharashtra through its Secretary, School Education and Sports Department, Mantralaya, Mumbai-32
3. Zilla Parishad, Buldhana, through its Chief Executive Officer
4. Zilla Parishad Marathi Primary School, Bhadola, District Buldhana through its Headmaster

... Respondents

Shri Madhur Deo, Advocate for the petitioner.
Mrs. S.V.Kolhe, AGP for the respondent nos. 1 and 2.
Shri Sharad Thakare, Advocate for the respondent no.3.

**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 the order dated 29th July, 2022 passed by the respondent no.1-District Caste Certificate Scrutiny Committee, Yavatmal, whereby her caste claim to Gond-Gawali was invalidated. Along with said prayer, the petitioner also prayed alternatively that petitioner be extended the protection of service, in view of 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.

3. During the course of hearing, the petitioner restricted her prayer for protection of service only in terms of judgment of Hon'ble Supreme Court of India and accordingly not press the prayers challenging the order passed by the respondent no.1-Caste Scrutiny Committee.

4. In the light of submissions made by the petitioner, we have gone through the record and found undisputed facts of the petition are as under.

5. It is admitted that this Court vide judgment dated 14th August, 2018 held that citizen belonging in 'Gond Gowari' caste in the State of Maharashtra cannot be denied the benefits of Scheduled Tribes.

In light of the judgment of this Court, the petitioner obtained the caste certificate belonging to 'Gond Gowari' Scheduled Tribe from the competent authority. On the basis of same, she applied for the post of Teacher-Shikshan Sewak in respondent no.4-School. The respondent no.4 by following due procedure of law, appointed the petitioner against the post of Teacher/Shikshan Sewak vide appointment order dated 12th September, 2019. After the appointment of petitioner, her caste claim was forwarded for validation to the respondent no.1-Caste Scrutiny Committee. The Caste Scrutiny Committee by its order dated 29th July, 2022 invalidated the caste claim of the petitioner. In the above background of said factual position, the petitioner challenging the order of Scrutiny Committee, by way of present petition.

6. In the meantime, the Hon'ble Supreme Court of India, set aside the judgment delivered by this Court dated 14th August, 2018 in the case of Adim Gowari Samaj Vikas Mandal and others Vs. State of Maharashtra and another and all the findings recorded by this Court was set aside. However, considering the peculiar facts and circumstances of the case, extended the protection to the service of candidates whose

appointment was made during the period i.e. from the date of decision of this Court in the case of *Adim Gowari Samaj Vikas Mandal and others Vs. State of Maharashtra*, till the decision of Hon'ble Supreme Court of India in the case of *State of Maharashtra Vs. Keshao Sonone and others* (supra). In view of the factual position, the petitioner has alternatively prayed for protection of service from the Teacher/Shikshan Sewak. This Court by the order dated 10th October, 2022 relying on the judgment of Hon'ble Supreme Court of India in the case of *State of Maharashtra vs. Keshao Sonone and others* (supra) granted interim protection to the employment of petitioner till the final decision of the petition.

7. In the present petition, the respondents filed their reply and stated that there is no illegality in the impugned order of respondent-Committee to invalidate the caste claim of petitioner. It is fairly conceded by the respondent that in view of the protection granted by the Hon'ble Supreme Court of India, considering the date of appointment of the petitioner dated 12th September, 2019, the petitioner can be extended the same protection.

8. In view of the rival submissions, we have perused the judgment of Hon'ble Supreme Court of India in the case of *State of Maharashtra vs. Keshao Sonone and others* (supra), wherein the Hon'ble Supreme Court of India has observed as under :

“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.”

9. It is admitted fact in the present case that appointment of the petitioner was made on 12th September, 2019 by following due procedure of law. At the relevant time in view of the judgment of this Court, the competent authority has issued the certificate to the petitioner belonging to the Gond-Gowari Scheduled Tribe Certificate. It is also not dispute that in view of the interim order passed by this Court, the services of the petitioner are protected and she is continued in service. Hence, the petitioner is entitled for protection of service granted by Hon'ble Supreme Court of India in the case of *State of Maharashtra vs. Keshao Sonone and others* (supra). Accordingly, we proceed to pass the following order.

- i. The writ petition is allowed.
- ii. It is hereby declared that services of the petitioner should not be terminated in view of the invalidation of caste of Gond Gowari Scheduled Tribe and petitioner be extended the protection to her services in terms of judgment of Hon'ble Supreme Court of India in the case of *State of Maharashtra vs. Keshao Sonone and others* (supra) decided on 18th December, 2020.

iii. The respondents are directed to continue the petitioner on the post of which she was appointed with all consequential benefits of service.

The writ petition is disposed of in aforesaid terms. No order as to costs.

[PRAVIN S. PATIL, J.]

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