



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

WRIT PETITION NO.6582 OF 2024

Chaitanya s/o Krushnarao Raut

..vs..

The Scheduled Tribes Caste Certificate Scrutiny Committee, Yavatmal and anr.

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

Court's or Judge's orders

Ms Preeti Rane, Advocate for the petitioner.

Mrs. Kolhe, Assistant Government Pleader for respondent
no.1/State.

CORAM: SMT.M.S. JAWALKAR AND PRAVIN S. PATIL, JJ.
DATED : 31/07/2025.

Heard.

2. By this petition, the petitioner is challenging the order dated 29.10.2024 passed by respondent no.1 Caste Scrutiny Committee whereby the caste claim of the petitioner has been invalidated. In addition to this, the petitioner also praying to extend him service protection in view of the judgment of the Hon'ble Supreme Court in the case of ***State of Maharashtra vs. Keshao Sonone and ors. 2020 SCC OnLine SC 1040.***

3. In the present matter, it is admitted fact that the petitioner was appointed as Junior Engineer in respondent no. 2 Corporation on 20.08.2020 i.e. in between the cut-off date i.e. 14.08.2018 when this Court decided Writ Petition No.1742/2007 (Keshav Sonone vs. State of Maharashtra) and held that Gowaris should be treated as Gond-Gowari for the purpose of claiming Scheduled Tribe reservation and same was reverse by Hon'ble Supreme Court by judgment dated 18.12.2020. As such, the petitioner is entitled for protection of service as observed by the Hon'ble Supreme Court.

4. Furthermore, this Court on 05.11.2024 has already granted the interim protection by passing the following order, :

“1.Heard.

2. The petitioner has challenged the invalidation of the Caste Gond-Gowari, Scheduled Tribe dated 29.10.2024. The petitioner has relied on the judgment of the Hon’ble Apex Court in the case of State of Maharashtra and anr...Vs... Keshao Vishwanath Sonone and anr. reported in (2021) 13 SCC 336. In paragraph No.116 the Hon’ble Apex Court has observed as under:-

“116. 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. Initially, the petitioner has obtained the certificate of Special Backward Class according to Gowari Caste, thereafter, this Court has passed the judgment and declared Gond-Gowari as Scheduled Tribe and therefore, the petitioner has obtained certificate of Scheduled Tribe and secured the appointment on the basis of Scheduled Tribe Certificate. The Hon’ble Apex Court passed an order and observed that Gond and Gowari are different but has protected the service and the admissions taken on the basis of earlier caste certificate by observing in above said

para. As per this judgment, the appointments and admissions between 14.08.2018 till 18.12.2020 are protected.

6. As per prayer clauses (iii) and (iv) by way of ad-interim protection, order dated 29.10.2024 is stayed until further orders.”

5. As such, considering the limited prayer made by the petitioner, the interim order passed by this Court dated 05.11.2024 is hereby confirmed.

6. The Writ Petition is partly allowed in terms of prayer clause (v), which reads thus :

“(v) by issuance of appropriate writ, order and/or direction extend the service protection to the petitioner in view of the judgment of the Hon’ble Supreme Court of India in the case of State of Maharashtra V/S Keshao Sonone and other reported in 2020 SCC Online SC 1040.”

7. The Writ Petition stands disposed of accordingly.
No costs.

(PRAVIN S. PATIL, J.)

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

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