



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

WRIT PETITION NO. 3244 OF 2012

Dhanrajsingh s/o. Raghuvirsingh Bais,
Aged about 44 yrs., Occ. Service,
r/o. c/o. Kishorao Patankar,
Gandhi Nagar, Wardha, Distt. Wardha. PETITIONER

// VERSUS //

1. Joint Commissioner & Vice-Chairman,
Scheduled Tribe Certificate Scrutiny
Committee, Gadchiroli Bhavan,
Gadchiroli.

2. The District Malaria Officer,
Wardha, Distt. Wardha. RESPONDENTS

Mr. S.R.Narnaware, Adv. for the Petitioner.
Smt.S.W.Deshpande, Adv. for Respondent No.1.
Mr.B.M.Lonare, Adv. for Respondent No.2.

CORAM : B. R. GAVAI &
A. P. BHANGALE, JJ.

DATE : 23/11/2012.

ORAL JUDGMENT (Per B. R. Gavai, J) :

1. Rule made returnable forthwith. Heard by consent.
2. The petitioner has approached this Court challenging the order passed by the Caste Scrutiny Committee, dt. 11.7.2012 invalidating the claim of the petitioner belonging to 'Thakur' Scheduled Tribe. However, the petitioner has given up his claim and has restricted his claim in the petition only for protection of his services.
3. In the case of **Dattu s/o. Namdeo Thakur vs. State of Maharashtra and Others** reported in **(2012) 1 SCC 549**, it has been held that, even after invalidity of a caste claim, the services or educational benefits of the persons claiming to be belonging to the Scheduled Tribe need to be protected. In that view of the matter, we pass the following order.

ORDER

- i) The petition, insofar as the challenge to the order passed by the Caste Scrutiny Committee is concerned, stands dismissed.

ii) The respondent/employer is directed not to terminate the services of the petitioner on the ground of invalidation of his tribe claim. However, it is made clear that the protection which is granted to the petitioner is only in respect of his initial appointment. It is also made clear that if any promotions are granted to the petitioner on the basis of his claim as belonging to the Scheduled tribe, the Authorities would be at liberty to withdraw the benefits and revert the petitioner to such of the post to which he would be legitimately entitled i.e. his entry into service is to be treated from open category.

iii) The petitioner to file an undertaking within a period of three weeks from today that - hereinafter neither the petitioner nor his progeny would be entitled to claim any benefits on the basis of belonging to the Scheduled Tribe.

In view of above, rule is made absolute in the aforesaid terms with no order as to costs.

JUDGE

JUDGE

jaiswal