



Judgment

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

**WRIT PETITION Nos. 1705/2012, 1820/2012, 3241/2012,**  
**3242/2012, 3243/2012, 5599/2011, 3005/2009, 2051/2004,**  
**519/2003 & 2438/1999.**

**(1). Writ Petition No. 1705/2012.**

Gopal s/o Motiram Umate,  
Aged about 39 years, Occ – Service,  
r/o. Panchayat Samiti, Niwassthan,  
Tah. Jari Jamni, District Yavatmal.

.... **PETITIONER.**

**VERSUS**

1. Vice-Chairman & Joint Commissioner  
Scheduled Tribe Certificate Scrutiny  
Committee, Gadchiroli Division,  
Gadchiroli.
2. Chief Executive Officer,  
Zilla Parishad, Yavatmal.
3. Executive Engineer,  
Zilla Parishad Works Deptt.No.1,  
Yavatmal, District Yavatmal.
4. State of Maharashtra,  
through Secretary, Tribal Development  
Department, Mantralaya,  
Mumbai – 32.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mr. S.M. Puranik, Advocate for Repsodent No.1.  
Mr. J.Y. Ghurde, Advocate for Respondent Nos. 2 & 3.

Learned A.G.P. for Respondent No.4.  
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(2) Writ Petition No. 1820/2012.

Ku. Sunita d/o Shantanand Parate,  
[Sau. Sunita Shaikesh Kumbhare]  
Aged about 35 years, Occ – Service,  
r/o. c/o. Shri S.B. Kumbhare,  
40, Raj Nagar, Surana Layout, Katol Road,  
Nagpur – 440 013.

.... **PETITIONER.**

**VERSUS**

1. The State of Maharashtra,  
through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai – 32.
2. Joint Commissioner & Vice-Chairman  
Scheduled Tribe Certificate Scrutiny  
Committee, Adviwasi Vikas Bhavan,  
Giripeth, Nagpur.
3. Joint Director,  
(Malaria, Filariasis & Water Born disease)  
Arogya Bhawan, Opp. Vishrant Wadi  
Police Station, Yerwada, Pune – 411 006.
4. District Malaria Officer,  
Shradhanand Peth, Nagpur.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mr. S.M. Puranik, Advocate for Respondent Nos.1 3 & 4.  
Learned A.G.P. for Respondent No.2.  
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(3) Writ Petition No. 3241/2012.

Ku. Subhangi d/o Gajananrao Dhakate,  
Aged about 40 years, Occ – Service,  
r/o. At Post Bhiwapur Ward, Om Nagar,  
Chandrapur, Tah. & District Chandrapur. .... **PETITIONER.**

**VERSUS**

1. Joint Commissioner & Vice-Chairman  
Scheduled Tribe Certificate Scrutiny  
Committee, Gadchiroli Bhavan,  
Gadchiroli.
2. Headmaster,  
Lokmanya Tilak Vidyalaya,  
Chandrapur, District Chandrapur. .... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mr. S.M. Puranik, Advocate for Respondent Nos.1.  
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(4) Writ Petition No. 3242/2012.

Chintaman s/o Tulsiram Nikhare,  
Aged about 46 years, Occ – Service,  
r/o. Achleshwar, Ward No.1, Near Balaji  
Mandir, At Post Tah. And  
District Chandrapur. .... **PETITIONER.**

**VERSUS**

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

2. District Malaria Officer,  
Shradhanand Peth, Nagpur.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mrs. S.W. Deshpande, Advocate for Respondent No.1.  
Learned A.G.P. for Respondent No.2.  
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**(5) Writ Petition No. 3243/2012.**

Ku. Damyanti d/o Rambhau Dhakate,  
[Sau. Swapna Ajay Nandurkar]  
Aged about 40 years, Occ – Service,  
r/o. At Post Shriram Ward, Shriram  
Chowk, Chandrapur.

.... **PETITIONER.**

**VERSUS**

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

2. Head-Mistress,  
F.E.S. Girls High School,  
Chandrapur, District Chandrapur.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mrs. S.W. Deshpande, Advocate for Respondent No.1.  
Shri Anjan De, Advocate for Respondent No.2.  
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**(6) Writ Petition No. 5599/2011.**

Heerabai Nandkishor Sonkusare,  
Aged about 41 years, Occ – Service,  
r/o. At Post Armori,

District Gadchiroli.

.... PETITIONER.VERSUS

1. The State of Maharashtra,  
through its Secretary, Tribal Development  
Department, Mantralaya, Mumbai – 32.
2. Vice Chairman & Joint Commissioner  
Scheduled Tribe Certificate Scrutiny  
Committee, Gadchiroli Division,  
Gadchiroli.
3. Dy. Chief Executive Officer,  
Zilla Parishad, Gadchiroli.
4. Bal Vikas Prakalp Adhikari,  
Sevayojana, Armori,  
District Gadchiroli.

.... RESPONDENTS.

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Learned A.G.P. for respondent no.1.  
Mr. S.M. Puranik, Advocate for Respondent No.2.  
Mr. S.A. Deshpande, Advocate for Respondent Nos.3 & 4.  
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(7) Writ Petition No. 3005/2009.

Sunil s/o Vishnupant Khadge,  
Aged about 41 years, Occ – Service,  
r/o. At Post Lahariyanagar,  
Kaulkhed, Akola,  
District Akola.

.... PETITIONER.VERSUS

1. Vice Chairman & Joint Commissioner  
Scheduled Tribe Certificate Scrutiny

Committee, Amravati Division,  
Irwin Chowk, Amravati.

2. Chief Executive Officer,  
Zilla Parishad, Buldhana.
3. The Block Development Officer,  
Panchayat Samiti, Shegaon,  
District Buldhana.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mrs. S.W. Deshpande, Advocate for Respondent No.1.  
Mrs. Neeta Jog, Advocate for Respondent No.2.  
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**(8) Writ Petition No. 2051/2004.**

Smt. Indrakala Mahadeo Parate  
(now Smt. Indira Vasant Bahirset)  
Aged about 46 years, Occ – Service,  
r/o. 53, MIG Colony, Arvi Naka,  
House No.25, Wardha.

.... **PETITIONER.**

**VERSUS**

1. Zilla Parishad, Wardha,  
through its Chief Executive Officer,  
Tahsil and District Wardha.
2. The Education Officer, (Primary)  
Zilla Parishad, Wardha.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Mr. P.D. Meghe, Advocate for Respondent Nos.1 and 2.  
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(9) Writ Petition No. 519/2003.

Premkumar s/o Mahadeorao Moundekar,  
Aged about 25 years, Occ – Service,  
r/o. Jagnath Budhwari, Kailash Talkies,  
Near Dandare Math, Nagpur.

.... **PETITIONER.**

**VERSUS**

1. State of Maharashtra,  
through its Jt. Director, Health Service,  
(Malaria & Fileria)  
Pune – 6.
2. District Malaria Officer,  
Wardha.
3. The Scheduled Tribe Caste Certificate  
& Scrutiny Committee, Adivasi Vikas  
Bhawan, Giripeth, Nagpur.

.... **RESPONDENTS.**

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Mr. S.R. Narnaware, Advocate for Petitioner.  
Learned A.G.P. for Respondent no.1  
Mr. P.B. Patil, Advocate for Respondent No.2.  
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(10) Writ Petition No. 2438/1999.

Nootan s/o Purushottam Umredkar,  
Aged 34 years, Occ – Service,  
r/o. Near Gnyaneshwar Temple, Juni  
Mangalwari, Nagpur.

.... **PETITIONER.**

**VERSUS**

1. The Scheduled Tribe Caste Certificate Scrutiny  
Committee, Nagpur.

2. The Nagpur Improvement Trust,  
Nagpur.

3. The State of Maharashtra,  
through the Chief Secretary,  
G.A.D. Mantralaya, Mumbai – 32.

.... **RESPONDENTS.**

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Mr. M.G. Bhangde, Senior Advocate with R.M. Bhangde, Advocate  
for Petitioner.

Mrs. S.W. Deshpande/Mr. S.M. Puranik, Advocate for Respondent  
No.1.

Mr. S.K. Mishra, Advocate for Respondent No.2.

Learned A.G.P. for Respondent no.3.  
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**CORAM : B.R. GAVAI AND**  
**S.P. DESHMUKH, JJ.**

**DATED : OCTOBER 18, 2012.**

**ORAL JUDGEMENT.** (Per B.R. GAVAI, J)

Rule, returnable forthwith. By consent of the learned counsel  
appearing for the respective parties, the petitions are heard finally.

2. The facts in all these petitions are identical with the facts in a  
bunch of petition i.e. Writ Petition Nos. 900/2012 and others, decided on  
09.10.2012, wherein considering the law laid down by the Hon'ble Apex  
Court in the case of State of Maharashtra .vrs. Milind and others reported in  
2001 [1] Mh.L.J. 1 and in the case of Kavita Solunke .vrs. State of



Maharashtra reported in 2012 (5) Mh.L.J. 921, we have held that the certificates of petitioners who were claiming benefits of Halba Scheduled tribe and who have been found to be belonging to Halba Koshti, are entitled to protection of their appointment. However, while doing so, we have also held that such persons would not be entitled to any promotional benefits on the basis of their claim as belonging to Scheduled Tribes.

3. In that view of the matter, for the reasons recorded by us while allowing Writ Petition No.900/2012 and others on 09.10.2012, we allow these petitions in the following terms.

(i) The petitions, in so far as the challenge to order passed by the Scrutiny Committee is concerned, stand dismissed.

(ii) The respondents/employers are directed not to terminate the services of the petitioners on the ground of invalidation of their tribe claim. However, it is made clear that the protection which is granted to the petitioners is only in respect of their initial appointment. It is also made clear that if any promotions are granted to the petitioners on the basis of their claim as belonging to the Scheduled tribe, the Authorities would be at liberty to withdraw the benefits and revert the petitioners to such of

the posts to which they would be legitimately entitled i.e. their entry into service is to be treated from open category.

(iii) The petitioners to file an undertaking within a period of three weeks from today, that hereinafter neither the petitioners nor their progeny would be entitled to claim any benefits on the basis of belonging to the Scheduled tribe.

4. In view of above, Rule is made absolute in the aforesaid terms in all the petitions, with no order as to cost.

**JUDGE**

**JUDGE**

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