

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

**WRIT PETITION NO.6070 OF 2014**

[Candraiyya s/o Pardesi Durge .vs. State of Maharashtra and one]

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

Court's or Judge's orders

Shri Kunal Nalamwar, counsel for the petitioner,  
 Ms. T.H. Udeshi, AGP for the respondent no.1,  
 Shri Prashant Gode, counsel for the respondent no.2.

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**CORAM : SMT. VASANTI A. NAIK AND**  
**PRASANNA B. VARALE, JJ.**  
**DATED : JUNE 30, 2015.**

By this petition, the petitioner challenges the order of the respondent, dated 5.8.2013 terminating the services of the petitioner as a Forest Guard. The petitioner seeks the protection of his services on the basis of the judgment of the full bench reported in 2015 (1) Mh.L.J. 457 (Arun s/o Vishwanath Sonone .vs. State of Maharashtra and others).

The petitioner was appointed as a Forest Guard by the respondent in the year 1995, on a post earmarked for the Scheduled Tribes. The petitioner had claimed to belong to 'Mannewar', Scheduled Tribes. Though the respondent sought the relevant documents from the petitioner for referring his caste claim to the scrutiny committee for verification, the petitioner failed to supply the documents. In view of the failure on the part of the petitioner to supply the documents, the respondent held a departmental inquiry against the petitioner and terminated his services by the impugned order. The order of termination is mainly based on the refusal on the part of the petitioner to supply the documents and his failure to produce the caste validity certificate.

The learned counsel for the petitioner submitted that the petitioner is ready to supply the necessary documents to the respondent no.2 so that the same could be referred to the scrutiny committee for verification. It is stated that the petitioner was appointed before the

cut off date, in the year 1995 and the petitioner is entitled to seek the protection of his services, in view of the law laid down by the Hon'ble Supreme Court and this court in several decisions. It is stated that the petitioner has not falsely claimed the benefits meant for 'Mannewar' Scheduled Tribe and the petitioner is ready to appear before the scrutiny committee and seek the validation of his caste claim. It is stated that a direction be issued to the scrutiny committee to decide his caste claim, at the earliest.

Shri Gode, the learned counsel for the respondent no.2, states that the respondent-employer does not have any serious objection to refer the caste claim of the petitioner to the scrutiny committee, if the petitioner supplies the necessary documents to the respondent no.2. It is stated that the respondent no.2 would forward the relevant documents supplied by the petitioner to the scrutiny committee, within a period of three weeks from the receipt of the same. It is stated that the question of protection of services of the petitioner could be decided after the scrutiny committee decides his caste claim.

On hearing the learned counsel for the parties and on a perusal of the judgments rendered by the Hon'ble Supreme Court and this Court in the recent times, it appears that the prayer made by the petitioner needs to be granted. Since the petitioner has volunteered to supply the necessary documents to the respondent no.2 within a period of three weeks, we dispose of this writ petition, with a direction to the respondent no.2 to forward the caste claim of the petitioner to the scrutiny committee for verification within a period of three weeks from the receipt of the relevant documents. We also direct the respondent no.3- Scrutiny Committee, to decide the caste claim of the petitioner as early as possible and positively within a period of one year. It is needless to mention that the issue in regard to the protection of the services of the petitioner is kept open and would be considered after the scrutiny committee decides the caste claim. Order accordingly. No costs.

JUDGE

Gulande

JUDGE