



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

**WRIT PETITION NO.938 OF 2019**

**Petitioner** : Dadaji s/o Tulshiram Gaikwad,  
Age 47 years, Occu : Service,  
R/o Pohane Layout, Borda,  
Ta. Warora, Dist. Chandrapur.

**-- Versus --**

**Respondents** : 1] State of Maharashtra,  
through its Secretary,  
Tribal Development Department,  
Mantralaya, Mumbai-32.  
  
2] Scheduled Tribes Caste Scrutiny Committee,  
Through its Member Secretary,  
Zilha Parishad Coplex Area, Gadchiroli,  
Dist. Gadchiroli.  
  
3] Maharashtra State Road Transport Corporation,  
Through its Divisional Controller,  
Tadoba Road, Tukum, Chandrapur,  
Dist. Chandrapur.

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*Shri Shankar Borkute, Advocate for the Petitioner.*  
*Ms. N.P. Mehta, A.G.P. for Respondent Nos.1 & 2.*  
*Shri V.G. Wankhede, Advocate for Respondent No.3.*  
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**CORAM** : **R.K. DESHPANDE & S.M. MODAK, JJ.**

**DATE** : **9<sup>th</sup> APRIL, 2019.**

**ORAL JUDGMENT :-** (Per R.K. Deshpande, J.)

01] **Rule.** Rule made returnable forthwith. Heard finally by  
consent of the learned Counsels appearing for the parties.

02] The claim of the petitioner for “Mana - Scheduled Tribe”, which is an entry in the cluster of tribes at Sr. No.18 in the Constitution (Scheduled Tribes) Order, 1950 in relation to the State of Maharashtra, has been invalidated by an order dated 03/09/2018 by respondent No.2 - Scheduled Tribes Caste Scrutiny Committee, Gadchiroli, which is the subject matter of challenge in this petition.

03] Initially, we heard the matter on 05/02/2019 and speaking order was passed recording that the claim of the niece of the petitioner viz. Ku. Rupali Bala Gaikwad was validated by issuing Validity Certificate on 06/10/2018. We have also gone through the order impugned in this petition and we find that all the documents produced by the petitioner, even those of the period prior to 1950, clearly indicate the caste of the blood relatives of the petitioner as “Mana - Scheduled Tribe”. The Committee has accepted its mistake in invalidating the caste claim of the petitioner and it is expressed in the reply filed on affidavit that the claim was wrongly invalidated. The Committee has tendered an apology for such a mistake committed in passing the order, particularly when the Committee has issued Validity Certificate in the name of three blood relatives of the petitioner for “Mana -Scheduled Tribe”.

04] In view of the above, the writ petition is allowed and the following order is passed:

- (i) The order dated 03/09/2018 passed by the Scrutiny Committed invalidating the claim of the petitioner is hereby quashed and set aside.
- (ii) It is declared that the petitioner has established his claim for "Mana - Scheduled Tribe", which is an entry in the cluster of tribes at Sr. No.18 in the Constitution (Scheduled Tribes) Order, 1950.
- (iii) Accordingly, the Committee is directed to issue Caste Validity Certificate in the name of the petitioner within a period of three weeks from today.
- (iv) It is apparent that the petitioner's service was terminated by respondent No.3 - M.S.R.T.C. on the ground that the claim of the petitioner for "Mana - Scheduled Tribe" was invalidated.
- (v) The appointment of the petitioner was against the post reserved for the Scheduled Tribe candidate and since this Court has declared the claim of the petitioner to be

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valid, we direct reinstatement of the petitioner in service in the post from which he was terminated.

- (vi) The order of reinstatement be passed by the respondent-employer within a period of two weeks from today.
- (vii) The petitioner shall be granted continuity in service from the date of initial appointment for all purposes.
- (viii) Rule is made absolute in the above terms with no order as to costs.

**(S.M. MODAK, J.)**

**(R.K. DESHPANDE, J.)**

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