

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.830/2010.

Ravindra Padmakar Thakre,
Aged about 30 years,
Occ-Service,
R/o At & Post Agar,
Tq. & Distt. Akola.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Public Health Department,
Mantralaya, Mumbai-32.
2. The District Malaria Officer,
Akola.
3. The Medical Officer,
Public Health Centre, Palso (Badhe),
Tq. & Distt. Akola.
4. The District Malaria Officer,
Sindhudurg.
5. The Scheduled Tribe Certificate
Scrutiny Committee,
Amravati Division, Amravati.

Respondents.

Shri S.D. Chande, Ld. Advocate for the applicant.
Mrs. M.A. Barabde, Ld. P.O. for the respondents.

Coram:- B. Majumdar, Vice-Chairman and
Justice M.N. Gilani, Member (J).

Dated:- 1st December, 2015.

Order**Per: Member (J)**

In this O.A., prayer made by the applicant is to quash and set aside the order dated 11.11.2010 passed by the respondent No.2 whereby his services as Multipurpose Health Worker were terminated.

2. On 11.8.2010, the applicant was appointed as Health Worker against the post reserved for ST. He had produced certificate showing that he belongs to caste Koli Mahadeo. Till 2008, his caste certificate was not validated. Therefore, the respondent No.2 served on him a notice to produce caste validity certificate or else face action of termination. Ultimately, his services were terminated and, therefore, this O.A.

3. During the pendency of this O.A., Scrutiny Committee, Amravati Division, Amravati invalidated the caste claim of the applicant. It was observed that, documents produced on record point out that the applicant belongs to caste Koli and not Mahadeo Koli.

4. Limited contention of the learned counsel for the applicant is that, caste Koli falls in Special Backward Class (SBC) category. In that respect, he obtained caste certificate and the same is placed on record. His contention is that, since his appointment is prior

to 18.11.2001, he is entitled for benefit of protection in service. He is ready to forego all other benefits to which a person belonging to ST is entitled to.

5. The full bench decision of the Bombay High Court in **Arun Vishwanath Sonone V/s State of Maharashtra 2015 (1) Mh.L.J. 457** covers the present case. It has been categorically held that, a person belonging to SBC is entitled to same protection as has been granted to a person belonging to caste Koshti and Halba Koshti.

6. On perusal of the order passed by the Caste Scrutiny Committee, no where it is mentioned that the caste certificate showing the caste Koli Mahadeo, was obtained by the applicant fraudulently. In that view of the matter, the applicant is entitled for protection in service and consequently reinstatement forthwith.

7. O.A. is allowed in the following terms:

(i) It is declared that the applicant is entitled to protection in service. Consequently, he shall be reinstated in service forthwith. However, he shall not be entitled for any back wages.

(ii) Since inception, the applicant shall be placed in SBC category.

(iii) The department shall forward the SBC certificate alongwith other relevant documents to the Caste Scrutiny Committee,

Amravati Division, Amravati. In the event it is invalidated, the department shall be at liberty to take action against the applicant, according to law.

(iv) In the event, the applicant is given any service benefit on the ground that he belongs to ST, the department shall withdraw the same with retrospective effect.

(v) There shall be no order as to costs.

sd/-

(M.N.Gilani)
Member (J)

sd/-

(B.Majumdar)
Vice-Chairman

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