

MAHARASHTRA ADMINISTRATIVE TRIBUNAL
NAGPUR BENCH NAGPUR
ORIGINAL APPLICATION No. 675 of 2020 (DB)

Satish Eknath Majoke,
Aged 40 years, Occ. Forest Guard (Terminated),
R/o Kisan Nagar, Post -Vyahad (Khurd),
Tq. Saoli, District - Chandrapur.

Applicant.

Versus

- 1) The Chief Conservator of Forests,
Van Vrutta, Chandrapur.
- 2) The Deputy Conservator of Forests,
Brahmapuri Division,
Brahmapuri, District - Chandrapur.
- 3) State of Maharashtra,
Through its Secretary, Department of Forest and Revenue,
Mantralaya, Mumbai.

Respondents.

Shri P.R.Parsodkar, ld. counsel for the applicant.

Shri M.I.Khan, ld. P.O. for the respondents.

**Coram :- Shri Shree Bhagwan, Vice-Chairman and
Shri M.A. Lovekar, Member (J).**

Date of Reserving for Judgment : 18th July, 2022.

Date of Pronouncement of Judgment: 25th July, 2022.

JUDGMENT

Per : Member (J).

(Delivered on this 25th day of July, 2022)

Heard Shri P.R.Parsodkar, ld. Counsel for the applicant and Shri
M.I.Khan, ld. P.O. for the respondents.

2. Facts leading to this application are as follows. The applicant was appointed as Forest Guard by order dated 23.12.2003 (A-6) on a post reserved for Denotified Tribes (A) on the basis of caste certificate (A-3) in which his caste was stated to be 'Rajput Bhamta'. By order dated 24.10.2013 (A-7) Caste Scrutiny Committee invalidated his caste claim. He challenged it by filling W.P.No.6160/2013 (A-8). It was dismissed on 02.07.2014 by observing –

“On hearing the learned counsel for the parties and on a perusal of the impugned order, this Court had noticed several observations made by the Committee in the impugned order about the interpolations made in the old original documents so as to incorporate the word “Bhamta” after the word “Rajput” in the records pertaining to the near relatives of the petitioner. The Committee had clearly observed in the impugned order that after 21.11.1961, the word “Bhamta” was inserted in the old documents at the behest of the interested persons so as to secure the benefits of reservation.”

By order dated 22.08.2014 (A-2) his services were terminated. He then obtained caste certificate (A-9) in which his real caste OD(2) which is recognised as Nomadic Tribe (B), is mentioned. The respondent department forwarded it with communication dated 31.08.2016 (A-10) to

Caste Certificate Scrutiny Committee who issued certificate of validity (A-11). The applicant then submitted a representation (A-12) to respondent no. 2 to reinstate him. He filed W.P. No. 7468/2019 (A-14). It was allowed to be withdrawn with liberty to approach this Tribunal. He then filed O.A. No. 124/2020 (A-15) in which this Tribunal observed –

“2. We have perused the letter written by the Deputy Conservator of Forests, Bramhapuri Forest Division, Bramhapuri to the Chief Conservator of Forests, Chandrapur dated 25/7/2019. In this letter, the case of the applicant is recommended and request was made to appoint the applicant in service on the post of Forest Guard in N.T. (B) category.

3. The learned counsel for the applicant submitted that now certificate is issued that the applicant is of N.T. (B) category and Caste Validity Certificate is also issued. In this background, in our opinion it is suitable for the Chief Conservator of Forest, Chandrapur Forest Division to take a decision in view of the decision taken in the meeting held on 28/8/2014 on the recommendation made by the Deputy Conservator of Forests within two months from the date of this order. Liberty is given to the applicant to challenge if any adverse order is passed against

him. With this observation, the O.A. stands disposed of. No order as to costs."

On 24.04.2020 R-1 passed the order (A-1) stating therein –

“श्री सतीश एकनाथ मजोके यांची नियुक्ती उपवनसंरक्षक, ब्रम्हपूरी वनविभाग, ब्रम्हपूरी यांचे आदेश क्रमांक ३८२, दिनांक २३.१२.२००३ अन्वये वि.जा.- अ या प्रवर्गात वनरक्षक पदावर झाली होती. तथापि, राजपूत भामटा (वि.जा.-अ प्रवर्ग) या जातीचा दावा अवैध ठरल्यामुळे मा. उच्च न्यायालय, मुंबई बेंच, नागपूर यांचे दिनांक ०२.०७.२०१४ चे निर्णयानुसार त्यांना उपवनसंरक्षक, ब्रम्हपूरी वनविभागाचे आदेश क्रमांक ४८ दिनांक २२.०८.२०१४ अन्वये सेवामुक्त केले. वि.जा.-अ मध्ये नियुक्ती केलेल्या कर्मचा-याचा वि.जा.-अ प्रवर्गाचा दावा अवैध ठरल्यामुळे त्यांची सेवा समाप्त केल्यानंतर ओ (भ.ज.-ब प्रवर्ग) जातीच्या प्रमाणपत्राच्या आधारे त्यांना शासन सेवेत पुनर्नियुक्त करता येणार नाही.”

The said order (A-1) is impugned in this application.

3. Reply of the respondents is at pages 62 to 86. They have contended that as per G.Rs. dated 12.12.2011 and 18.05.2013 invalidation of caste certificate leads to termination of services, this position has been crystallized by Section 10 of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes, Nomadic Tribes, Other Backward Classes and Special Backward Category (regulation of issuance and verification of caste certificate) Act, 2000, and reiterated by the Hon'ble Supreme Court in various cases the latest being **“Chandrabhan Vs. State of Maharashtra & Ors. (2021) 9 SCC 804.”**

4. The applicant has relied on communication dated 24.09.2014 (A-5) made by the State of Government to the Special Backward Class Commission and Caste Scrutiny Committee, Chandrapur. This communication states –

“सदर बैठकीत संबंधीत पदाधिका-यांनी निदर्शनास आणून दिले की, चंद्रपूर जिल्यातील सन १९४७-४८ दरम्यान पुर्नवसित करण्यात आलेल्या लोकांना ओड जातीचे प्रमाणपत्र निर्गमित करून जात वैधता प्रमाणपत्र मिळण्याबाबत अडचणी येत आहेत भारत पाकिस्तान फाळणी दरम्यान हिंदू मुस्लिम मध्ये झालेल्या दंगलीमधील दंगलमुक्त शंभर कुटुंबांचे सन १९४६ ते ४८ दरम्यान चंद्रपूर जिल्यातील (व्याहाड कॅम्प) किसान नगर येथे शासनामार्फत पुर्नवसन करण्यात आले होते. पुर्नवसीत १०० कुटुंबामध्ये ८४ कुटुंबे ओड जातीची व १६ कुटुंबे खत्री समाजाची आहेत. परंतु ओड जातीच्या लोकांनी आपली मूळ जात लपवून समाजात सन्मानाने जगता यावे म्हणून आपण राजपूत भामटा असल्याचे सांगितले त्यामुळे त्यांची शासन दरबारी राजपूत भामटा म्हणून नोंद करण्यात आली.”

It further states -

“त्या अनुषंगाने मा मंत्री (सा.न्या.) यांनी आदेश दिले की वरील व्यक्ती ओड जातीच्या असल्याची सक्षम प्राधिका-यांची खात्री झाल्यावर त्यांना नियमानुसार जात प्रमाण पत्र व वैधता प्रमाणपत्र देण्याची संबंधित यंत्रणानी कार्यवाही करावी. तसेच श्री उर्सेडी वि.स.सं यांचे निवेदन राज्य मांगासवर्ग आयोगास पाठवावे आयोगाने त्या अनुषंगाने सविस्तर सर्वेक्षण करून शासनास अहवाल सादर करावा.”

It may be observed that in this behalf nothing further appears to have been done.

5. The applicant has also relied on G.R. dated 14.02.2001 (A-4). Its heading is-

“मुटाटकर समिती तथा राज्य मागासवर्ग आयोग यांनी त्यांच्या १ ते ७ अहवालात सन १९९३ ते २००० पर्यन्त शासनास सादर केलेल्या विमुक्त जाती, भटक्या जमाती, प्रवर्गाबाबतच्या शिफारशीची अंमलबजावणी - कार्यवाही महाराष्ट्रतील विमुक्त जाती, भटक्या जमातीच्या यादीत सुधारणा.”

In the facts and circumstances of the case this G.R. will also not help the applicant.

6. The applicant furnished a caste certificate while entering the service which was subsequently invalidated. Consequence of termination of his services was bound to follow as reiterated in the case of Chandrabhan (supra) as follows-

“9. Considering various questions including the observations made in paragraph 38 of the decision of this Court in Milind and the impact of the aforesaid legislation enacted by the State, a three-Judge Bench of this Court in Food Corporation of India & Others v. Jagdish Balaram Bahira, concluded as under: (Food Corpn. Of India case, SCC pp.727-29 & 731-32, paras 62, 66 & 69)

62. The regime which obtained since 2-9-1994 under the directions in Madhuri Patil was granted a statutory status by the enactment of Maharashtra Act 23 of 2001. Section 7 provides for the cancellation and confiscation of a false caste certificate whether it was issued

before or after the commencement of the Act. The expression “before or after the commencement of this Act” indicates that the Scrutiny Committee constituted under [Section 6](#) is empowered to cancel a caste certificate whether it was issued prior to 18-10-2001 or thereafter. [Section 10](#) which provides for the withdrawal of benefits secured on the basis of a false caste certificate which is withdrawn is essentially a consequence of the cancellation of the caste certificate. Where a candidate has secured admission to an educational institution on the basis that he or she belongs to a designated reserved category and it is found upon investigation that the claim to belong to that category is false, admission to the institution necessarily falls with the invalidation of the caste certificate. Admission being founded on a claim to belong to a specified caste, tribe or class, it is rendered void upon the claim being found to be untrue. The same must hold in the case of an appointment to a post. Therefore, the absence of the words “before or after the commencement of this Act” in [Section 10](#) makes no substantive difference because a withdrawal of benefit is an event which flows naturally and as a plain consequence of the invalidation of the claim. Moreover, as we have seen even prior to the enactment of the State legislation, the benefit which was secured on the basis of a caste claim was liable to be withdrawn upon its invalidation. [The Act](#) has hence neither affected vested rights nor has it imposed new burdens. [The Act](#) does not impair existing obligations in [Sections 7](#) and [10](#).

It is further held-

10. The conclusions arrived at by this Court in Jagdish Balaram Bahira are thus clear that the impact of the legislation which came into effect on 17.10.2001 must have full and unhindered effect and operation."

7. For the reasons recorded hereinabove the application is dismissed with no order as to costs.

(M.A.Lovekar)
Member(J)

aps

Dated – 25/07/2022

(Shree Bhagwan)
Vice Chairman

I affirm that the contents of the PDF file order are word to word same as per original Judgment.

Name of Steno : AkhileshParasnath Srivastava.

Court Name : Court of Hon'ble Member (J) .

Judgment signed on : 25/07/2022.
and pronounced on

Uploaded on : 26/07/2022.