MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH AT NAGPUR.
ORIGINAL APPLICATION NO. 585 of 2013

Mrs. Kalpana Dadarao Mohod,
Aged about 53 Yrs.,
R/o Plot No. T-7/1,
Shreyas Apartment,
Laxmi Nagar,
Nagpur. ---------- **APPLICANT**

VERSUS

1. The State of Maharashtra,
   Through its Principal Secretary,
   Home Department ,
   Mantralaya, Mumbai-32.

2. The Director, Directorate of Forensic Science,
   Laborataries , Vidyanagar, Hans
   Ghugra Marg, Santacruz (East),
   Mumbai.

3. The Deputy Director , Regional
   Forensic Science Laboratory,
   Rahate Colony, Dhantoli, Nagpur.----------**Respondents.**

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1. Shri D.M. Kakani, Adv. holding for Shri G.K. Bhusari,
   Counsel for the Applicant
2. Shri A.M. Ghogare, ld. P.O. for Respondents

CORAM: **B. Majumdar: Vice Chairman**
&
S.S. Hingne : Member (J)
DATE : 10 th **March, 2016**

ORDER **PER MEMBER (J)**

The applicant/Scientific Assistant has challenged the order dtd. 21/6/2013, vide which her services came to be terminated since her caste claim is invalidated.

2. Heard Shri D.M. Kakani, Adv. holding for Shri G.K. Bhusari, ld. Counsel for the applicant and Shri A.M. Ghogare, ld. P.O. for the respondents.

3. According to the applicant, she was appointed without any caste benefit and therefore her appointment is to be treated from 'Open' category. In support of her submission she has relied on several documents including the appointment order(Annexure–A-5), Appointment on promotion (Annexure-A-7), Completion of probationary period(Annexure-A-8), Regularization of service from 1/11/1989 (Annexure –A-10) and Seniority list (Annexure-A-16) etc. In these documents caste of the applicant is not referred, due to nature of these documents.

4. As against this, the respondents' case is that the applicant's appointment is from the S.T. category. However, her caste claim is invalidated. Not only that but the applicant is found to be from 'Open' category. Her appointment was from the 'Thakur' (S.T.) category. The Caste Scrutiny Committee has invalidated the caste claim of the applicant. In the result, as per G.R. dtd. 18/5/2013 (Annexure-R-17, Page No.51) her services were terminated.

5. In support of submissions, the respondents have filed bunch of documents which included the appointment order dtd. 5/3/1983(Annexure-R-2, Page-71), as Junior Laboratory Assistant wherein it is mentioned that the applicant is 'Thakur' by caste and is appointed as a candidate from S.T. category. In the selection list dtd. 29/12/1982 (Annexure-R/1, Page-70), the applicant's caste is shown as Thakur. The applicant had submitted an application dtd. 20/1/1987(Annexure-R-4, Page-78), wherein she had shown her caste as 'Thakur', S.T. In the selection list the applicant's name is shown as a candidate belonging to S.T. and she is

selected from that category. In the service book (Annexure- R-7, Page-82), the applicant's caste is shown as 'Thakur' (S.T.) and the caste certificate was verified from the original caste certificate issued by the Executive Magistrate, Nagpur on 6/2/1980, which is placed on record at Annexure R-8, Page-84). In the select list of 1/1/2002 (Annexure-R-11, Page-87), the applicant is shown as a candidate belonging to S.T. The applicant had filed one affidavit dtd. 23/3/2006 (Annexure-R-12, Page-91), swearing that she belongs to 'Thakur' caste, which is 'S.T'. The Caste Verification Committee vide order dtd. 25/1/2008 (Annexure-R-13, Page-94), held her caste claim as invalid and the caste certificate issued by the Executive Magistrate is cancelled and confiscated.

6. The respondents have placed ample material on record in the form of documents which falsify the claim and contention of the applicant. In effect it has to be concluded that the applicant does not belong to 'Thakur' community, i.e., a S.T. candidate. The applicant has failed to submit that she belongs to any other Backward Class. Consequently, the

respondents' Department issued a show cause notice on 13/6/2013 to which the respondents replied on 18/6/2013 and thereafter issued the impugned order giving due opportunity to the applicant.

7. The ld. Counsel vehemently stated that the applicant's initial appointment was on temporary basis and therefore it was not as a candidate from the reserved category. The respondents have relied on the guidelines issued by the Govt. (Annexure- R/3, Page-72), which mentioned that the reservation policy is applicable to any kind of appointment whether temporary or ad hoc etc. As such only because the initial appointment of the applicant was temporary, it can not be said that the reservation policy was not applicable for that and the applicant's appointment was not made observing the reservation policy. The stand of the applicant does not carry any weight in view of the several documents referred above.

8. As per Clause 5 of the G.R. dtd. 18/5/2013, the protection is available to the candidates whose caste claim is invalidated but they belong to other Backward Classes and filed the certificates to that effect. Such protection is not available to the applicant. Consequently, no fault can be found with the impugned order. In this view of the matter, the case propounded by the applicant is devoid of any merit. Consequently, the O.A. is rejected with no order as to costs.

sd/-

(S.S. Hingne)
Member (J)

sd/-

(B. Majumdar)
Vice-Chairman.

Skt.