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**(1997) 10 BOM CK 0061**

**In the Bombay High Court**

**Case No : Writ Petition No. 4406 of 1994**

Sudhakar Shankar Gawli

APPELLANT

Vs

State of Maharashtra and others

RESPONDENT

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**Date of Decision : 17-10-1997**

**Acts Referred:**

Constitution of India, 1950 — Article 342

**Citation :** (1998) 2 ALLMR 723 : (1998) 4 BomCR 515 : (1998) 1 BOMLR 525 : (1998) 2 MhLj 97

**Hon'ble Judges :** S.S. Parkar, J; Ashok A. Desai, J

**Bench :** Division Bench

**Advocate :** S.R. Nargolkar, for the Appellant; C.R. Sonawane and G.S. Hegde, for the Respondent

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## **Judgement**

Ashok A. Desai, J.—The petitioner is rendering services as Conductor with respondent State Transport Corporation. He was appointed against the post earmarked for Scheduled Tribe. He claimed himself to be Thakar and as such Scheduled Tribe. On 28-9-1989 the Divisional Controller of the State Transport made a reference to the Scrutiny Committee constituted by Government Resolution dated 23rd January 1985 for verification of his caste claim. The Scrutiny Committee invalidated the claim of the petitioner.

2. Mr. Nargolkar, the learned Counsel while questioning the correctness of the impugned decision dated 24-3-1994 mainly and principally raised the question that the Committee was not competent to verify the claim of the employees of the State Transport Corporation. The learned Counsel specifically raised his ground in the petition. The respondents have not filed any return to counter the ground as raised.

3. With the assistance of the learned Counsel for the parties we have perused the said G.R. dated 23rd January 1985. The G.R. has specified the matters which could be referred to the Scrutiny Committee. The caste claim of the employee of the Transport Corporation not being a Government employee is not covered

within the jurisdiction as specified in the G.R. Clause (iv) of para 2 of the G.R. refers, "Any work entrusted by Government in respect of Scrutiny of Caste Certificates of Scheduled Tribes." We, therefore, repeatedly asked the learned Government Pleader Mr. Sonawane as to whether any such resolution is passed by the Government entrusting the work of caste claims of the employees other than the Government. Mr. Sonawane appearing for the State and Mr. Hegde for the Corporation could not point out any such authorization in favour of the Scrutiny Committee as envisaged under the said clause. In view of this we hold that the Scrutiny Committee had no authority to verify the caste claim of the petitioner being an employee of State Road Transport Corporation. The impugned order dated 24-3-1994 is quashed and set aside. Rule made absolute in terms of above.

4. Petition allowed.