

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 5250 OF 2014**

Ms. Kalmunisa Ibrahim Inamadar

....Petitioner.

Vs.

The Member Secretary,
Divisional Caste Certificate Scrutiny
Committee, Solapur & ors

....Respondents.

Mr. G. M. Savgave i/by Mrs. Suman Lengare for the Petitioner.
Smt. Sushma Bhende, AGP for the Respondent No.1.
Mr. S.S. Patwardhan for Respondent Nos. 2 and 3.

**CORAM : SMT. VASANTI A. NAIK AND
C.V. BHADANG, JJ.**

DATE : 07.01.2015

PC:-

Rule. Rule is made returnable forthwith. The Petition is heard finally with the consent of the learned counsel for the parties.

By this Petition, the Petitioner impugns the order of the Respondent No.2 dated 25.01.2014 terminating the services of the Petitioner for non-production of the caste validity certificate.

The Petitioner was appointed by the Respondent No.2 in the Respondent No.3-College on 1.07.2004 as an Assistant Teacher on a post reserved for the Other Backward Class (OBC) category. The Petitioner had applied to the Respondent No.1-Scrutiny Committee for verification of her

caste claim. The Scrutiny Committee failed to decide the matter and the Respondent No.2, by the impugned order dated 25.01.2014, terminated the services of the Petitioner.

Shri Savgave, the learned counsel for the Petitioner, submitted that the management was not justified in terminating the services of the Petitioner for non-production of the caste validity certificate. It is stated that the Petitioner was not at fault in not producing the caste validity certificate as the Scrutiny Committee had failed to decide the caste claim of the Petitioner for a period of more than two years. It is stated that during the pendency of the writ petition, by an order dated 29.12.2014 the Scrutiny Committee has validated the claim of the Petitioner of 'Mulani' caste which is included in the OBC category. It is stated that since the Petitioner was granted the caste validity certificate of Mulani caste which falls in the OBC, it would be necessary to quash and set aside the impugned order and reinstate the Petitioner in service.

Shri S.S. Patwardhan, the learned counsel for the Respondent Nos. 2 and 3, submitted that the services of the Petitioner were terminated as she had failed to produce the caste validity certificate. It is stated that the Respondent Nos.2 and 3 are not aware about the grant of validity certificate in favour of the Petitioner and this Court may pass an appropriate order on the statement made by the learned counsel for the Petitioner.

On hearing the learned counsel for the parties, it appears that the

caste claim of the Petitioner is validated during the pendency of the writ petition and the Petitioner is granted a validity certificate of Mulani caste which falls in OBC. Since the Petitioner was appointed on a post earmarked in the OBC on 1.07.2004 and the caste claim of the Petitioner is validated by the Respondent No.1 on 29.12.2014, it would be necessary to quash and set aside the impugned order and reinstate the Petitioner in service.

Hence, for the reasons aforesaid, the writ petition is allowed. The impugned order is quashed and set aside. The Respondent Nos. 2 and 3 are directed to reinstate the Petitioner in service within a period of two weeks from today. However, since the Petitioner has not worked for a period of couple of months, the Petitioner would not be entitled to the salary for the said period, though the Petitioner would be entitled to continuity of service.

Rule is made absolute in the aforesaid terms with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)