

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**APPELLATE SIDE CIVIL JURISDICTION****WRIT PETITION NO. 10248 OF 2014**

Jyoti Daulat Thakur,
Age 38 years, Occu. Service as
Asst. Teacher in Girna Primary School,
Run by Girna Education Society,
Bhausahab Hire Nagar,
Dabhadi, Tq. Malegaon
Dist. Nashik. R/o. Dabhadi,
Tq. Malegaon, District Nashik-423201

....Petitioner.

Vs.

- 1 The State of Maharashtra,
Through it's Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
- 2 The Scheduled Tribe Certificate,
Scrutiny Committee, Nandurbar,
Division Nandurbar, Through its
Member Secretary and Dy. Director
(Research), Having its office at,
Near R.T.O. Office, Sakri Road,
Nandurbar-425412.

....Respondents.

Mr. Kishor T. Shirrurkar for the Petitioner.
Mr. Vikas Mali, AGP for the Respondent Nos. 1 and 2.
Ms. Kumud A. Bhatia for the Respondent Nos. 4 and 5.

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

DATE : 21st JANUARY 2015.

ORAL JUDGMENT (PER SMT. VASANTI A. NAIK, J.):

Rule, rule made returnable forthwith.

The Petition is heard finally, with consent of the parties at the stage of admission.

By this Petition, the Petitioner seeks a direction to the Respondent Nos. 2-Scrutiny Committee to decide the caste claim of the Petitioner as early as possible. The Petitioner also seeks a direction to the Respondents i.e. the Management and the Education Authorities to pay the salary of the Petitioner from 17.6.2008.

It is submitted on behalf of the Petitioner that the Education Authorities are not paying the salary of the Petitioner though the Management has submitted the salary bills of the Petitioner for the period from 17.6.2008, in the year 2012. It is stated that the Petitioner is not at fault in not producing the caste validity certificate as the Scrutiny Committee has failed to decide the caste claim of the Petitioner.

The learned counsel for the Management states that the Respondent No.5-School receives 100% grant-in-aid from the Government from the year 2009-2010. It is stated that the Respondent Nos. 4 and 5 are not liable to pay the salary of the Petitioner and a direction may be issued to the Education Officer to pay the salary, as the salary bills of the Petitioner are submitted to the Respondents.

Shri Mali, the learned counsel appearing on behalf of the Scrutiny Committee states that the caste claim of the Petitioner is pending before the Scrutiny Committee and the same could be decided within a

period of 6 months.

Since there is no dispute that the Petitioner is working in the Respondent No.5-School and since the Petitioner is not at fault in not producing the caste validity certificate, we partly allow the Writ Petition and direct the Respondent Nos. 4 and 5 to send the salary bills of the Petitioner to the Respondent No.3, so that the Respondent No.3 could release the salary of the Petitioner. We direct the Respondent No.3 to release the arrears of salary of the Petitioner for the period from 7.11.2011 within a period of four weeks from the date of receiving the salary bills, as the Petition is filed on 7.11.2014 and the Petitioner can seek the money claim only for a period of 3 years preceding the date of filing of the Writ Petition. The Respondent No.2-Scrutiny Committee is directed to decide the caste claim of the Petitioner as early as possible and positively within a period of six months from the date of appearance of the Petitioner before the Scrutiny Committee. The Petitioner undertakes to appear before the Scrutiny Committee on 9.2.2015.

The Respondent No.5 should regularly send the salary bills of the Petitioner to the Respondent No.3, who in turn, shall pay the regular salary of the Petitioner till her caste claim is decided.

Rule is made absolute in above terms, with no order as to costs.

(C.V. BHADANG, J.)

(VASANTI A. NAIK, J.)