

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 77/1996.

Prakash Namdeorao Kedar

-VERSUS-

Union of India and others.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's Orders

**CORAM : B.P.DHARMADHIKARI &
S.B.SHUKRE, JJ.**

DATE : APRIL 20, 2015.

Heard Shri R.S. Parsodkar, learned
Counsel for the petitioners, Shri N.R. Rode, learned
A.G.P. for respondent no.6 and Shri K.P. Sadavarte,
learned Counsel for respondent no.7. Shri Sadavarte,
being panel advocate, we direct him to appear for
respondent no.8 also.

2. The matter is listed before this Court
pointing out that respondent nos. 3 to 5 are still
awaited.

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3. The employees of respondent no.2 Bank are before this Court questioning the letter issued by the General Manager of the Bank on 10.11.1995. By said document, he has called upon the employees like petitioners working with the Bank to submit documents as mentioned therein for verification of their caste / tribe claims.

4. It appears that on 16.01.1996, while issuing Rule in the matter, this Court granted interim relief and then issue arising therein with connected matters was placed before the Larger Bench. Larger Bench on 08.08.2003 has found that the employer is required to refer the caste certificates of its employees for verification to Caste Scrutiny Committee as early as possible from the date of order of appointment of such employee. Delay in making such reference does not vitiate the proceedings before the Committee. It is further observed that in case the certificates is obtained by the concerned employee by playing fraud, the employer is free to refer the claim of such employee to the Scrutiny Committee, as and when the

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fraud is detected.

5. Today when the matter is called out, it is seen that the Writ Petition was dismissed for want of prosecution on 02.12.2014, and has been restored thereafter on 04.03.2015. After restoration, the notice on restoration upon respondent no.2 is received back unserved with postal acknowledgment that the respondent no.2 has left the address. Service of respondent nos. 3 to 5 is still awaited.

6. The learned counsel for the petitioners during arguments stated that some of the petitioners have already been superannuated while others are still in service. According to him petitioners who work on managerial post belong to Scheduled tribes – Halba/Halbi/Mahadeo koli etc.

7. Shri Sadavarte, learned counsel for Scrutiny Committee and Shri Rode, learned A.G.P. for State Government submit that the caste claim needs to be referred to the Scrutiny Committee even in terms of Full Bench judgment of this Court in case of Arun

Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457).

8. In this situation, we do not find any point in keeping the Writ Petition filed in the year 1995 pending. We direct the petitioners to submit necessary documents to its employer within a period of four weeks from today. After receipt of those documents, the employer shall forward the same to the concerned Scrutiny Committee within a further period of six weeks. The Committee shall thereafter attempt to complete the verification of respective caste claims in accordance with Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificates Act, (Act No. 23 of 2001), within a further period of one year.

9. The petitioners obviously have entered service before 1995, and therefore, after such verification their entitlement to protection of employment in terms of the Full Bench Judgment

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(supra), may be required to be gone into. As such their services as on today are protected till passing of suitable orders by the Scrutiny Committee in the matter.

10. With these directions and keeping all contentions about grant of protection of employment open, for its due consideration, if occasion therefor arise, we dispose of the Writ Petition. No costs.

JUDGE

JUDGE

Rgd.