

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

WRIT PETITION NO.2318/2014

Ulhas s/o Kashirao Kale

...Versus...

State of Maharashtra, through Collector, Amravati and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri M.V. Bute, Advocate for petitioner
Mrs. K.S. Joshi, AGP for respondent nos.1 and 2

**CORAM : SMT. VASANTI A. NAIK AND
A.M. BADAR, JJ.**

DATE : 05.05.2015

By this petition, the petitioner challenges the order of the respondent no.2, dated 31.7.2013 terminating the services of the petitioner for not submitting the caste validity certificate.

The petitioner was appointed by the respondent no.2 on the post of Talathi that was reserved for the Scheduled Tribes. The petitioner claims to belong to 'Mahadeo Koli' – Scheduled Tribe. Since the appointment of the petitioner was made in the year 1995, the petitioner seeks a direction to the respondent to reinstate the petitioner in service and then protect his services as he was appointed before the cut-off date.

Mrs. Joshi, the learned Assistant Government Pleader appearing on behalf of the respondent nos.1 and 2 states that the services of the petitioner cannot be terminated unless his caste claim is verified by the respondent no.3 – Scrutiny Committee. It is stated that the petitioner had not submitted the necessary documents to the respondent no.2 for remitting his caste claim to

the respondent no.3 – Scrutiny Committee for verification. The learned Assistant Government Pleader relied on the judgment of the Full Bench of this Court in the case of *Arun s/o Vishwanath Sonone...Versus...State of Maharashtra and others*, reported in *2015 (1) Mh.L.J. 457* to substantiate the submission that the services of the petitioner cannot be protected unless his caste claim is verified by the respondent no.3 – Scrutiny Committee.

Shri Bute, the learned Counsel for the petitioner states that the petitioner would submit the necessary documents in respect of his caste claim to the respondent no.2 within a period of three weeks and the respondent no.2 may be directed to send the caste claim of the petitioner to the respondent no.3 – Scrutiny Committee for verification.

In view of the statements recorded hereinabove, we dispose of the writ petition with a direction to the respondent no.2 to submit the caste claim of the petitioner to the respondent no.3 – Scrutiny Committee for verification within a period of three weeks from the date of receipt of the same from the petitioner. The respondent no.3 – Scrutiny Committee is directed to decide the caste claim of the petitioner as early as possible and positively within a period of one year from the date of receipt of the same as the petitioner's services are terminated in the year 2013.

In the circumstances, no order as to costs.

JUDGE

JUDGE