

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

WRIT PETITION NO.1083 OF 2014

Ku. Sharda Shamlalsingh Rajput

-vs-

State of Maharashtra, thr. its Chief Secretary & Ors.

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 &
A.S.CHANDURKAR, JJ.**

DATE : 29.01.2015.

Heard Shri Ghawde, Advocate for petitioner,
learned AGP for respondent No.1 and Shri Pawan Raulkar
for respondent Nos.2,3 and 4.

Contention of petitioner is that she has been
appointed as open category candidate. However, without
prejudice to that contention and upon instructions, learned
counsel states that if this contention is turned down,
petitioner is also interested in seeking protection of
employment.

Our attention has been drawn to orders passed in
present matters on 27/02/2014. Those orders read as
under :

*“ We accordingly direct the petitioner to supply
necessary documents to the employer within a period of
three weeks from today. Respondents 2 and 3 thereafter
shall forward those documents to the competent
Scrutiny Committee.”*

A pursis thereafter has been filed on 15/04/2014 by learned counsel informing the Court that the documents available with petitioner have been supplied to employer for verification of caste claim. Learned counsel today seeks that petitioner never had obtained caste certificate from competent authority. However, school leaving certificate dated 29/07/1991 which records caste as 'Bhamta Rajput' has been handed over to employer.

Counsel for respondent Nos.2,3 and 4 states that on 28/03/2014, these documents have been forwarded to Divisional Caste Scrutiny Committee, Amravati. He has also produced for perusal of Court photocopy of select list in which petitioner is shown to have been appointed against V.J. (part-A).

Advocate Ghawde points out that these documents are not on record and he has no instructions about such documents. In this situation, as there is prayer for protection, in the light of judgment of Full Bench in case of ***Arun Vishwanath Sonone Vs. State of Maharashtra & Ors. 2015(1) Mh.L.J. 457***, we direct the Divisional Caste Scrutiny Committee, Amravati to be added as party respondent No.5. Learned AGP waives notice for added party. Said Committee shall attempt to complete verification proceedings in accordance with provisions of 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 Certificate Act, 2001-01 as early as possible and in any case within a period of one year from the

date of which petitioner is directed to appear before it. Petitioner to appear before the Committee on 04/03/2015 and to abide by further instructions in the matter. In terms of orders passed by this Court, protection to employment of petitioner shall continue till Scrutiny Committee verifies the caste claim and shall be subject to it. Contention that petitioner is appointed against open category post, other contentions of parties are kept open and could be looked into as and when occasion arises therefore along with request for protection.

Writ petition is partly allowed and disposed of accordingly.

JUDGE

JUDGE