

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

WRIT PETITION NO.2444 OF 2015

[Mrs. Leena w/o Umesh Bhonde .vs. State of Maharashtra 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 R.M. Ahirrao, counsel for the petitioner,
Shri N.R. Rode, AGP for the respondent nos.1 to 3.

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : OCTOBER 21, 2015.

By this petition, the petitioner challenges the show cause notice issued by the respondent no.4-Secretary of Somalwar Academy Education Society, Nagpur and seeks a direction to the concerned education society not to terminate the services of the petitioner, till the caste claim of the petitioner is decided.

Since it was stated on behalf of the petitioner that the caste claim of the petitioner is pending before the scrutiny committee and the same is not decided as yet, we had issued notice to the respondents and directed the education society to maintain status-quo in relation to the employment of the petitioner. On 9.10.2015, the learned Assistant Government Pleader sought a week's time to verify, whether the caste claim of the petitioner is pending with the scrutiny committee. The matter was listed on 16.10.2015 and Shri Rode, the learned Assistant Government Pleader, had made a statement, on instructions from the scrutiny committee, that the caste claim of the petitioner is not pending before the scrutiny committee. We had again granted a week's time to the learned Assistant Government Pleader to reconfirm the position. Today, the learned Assistant Government Pleader reiterates that the caste claim of the petitioner is not pending before the scrutiny committee and it would be necessary for the

education society, in which the petitioner is working, to refer the caste claim to the scrutiny committee for verification.

In the aforesaid circumstances, the learned counsel for the petitioner, states that the petitioner is ready to supply the duplicate copies of the original caste certificate and the other necessary documents to the respondent – education society, within a reasonable time, so that the caste claim of the petitioner could be referred to the scrutiny committee for verification.

In view of the statement made by the learned counsel, we dispose of the writ petition, with a direction to the petitioner to submit the duplicate of the original caste certificate and other necessary documents to the respondent – education society, within a period of two months. We direct the education society to refer the caste claim of the petitioner to the scrutiny committee within a period of 15 days from the receipt of the documents. If the caste claim is received, the scrutiny committee should decide the caste claim of the petitioner within a period of 15 months from the date of receipt of the same. The services of the petitioner are protected till the caste claim is decided. It is, however, made clear that if the petitioner fails to tender the necessary documents to the management, within a period of two months, the management would be free to pass appropriate orders in the matter of termination of the services of the petitioner. Order accordingly. No costs.

Steno copy of this order is granted, on request.

JUDGE

JUDGE