

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

WRIT PETITION NO.2115/2015

Dr. Prashantsingh s/o Shersingh Utale

...Versus...

The State of Maharashtra through the Secretary, Department of Education,
Mantralaya, Mumbai – 32 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 S.D. Harode, Advocate for petitioner
Shri M.K. Pathan, AGP for respondent nos.1 and 4
Shri Agrawal, Advocate for respondent no.2

CORAM : SMT. VASANTI A. NAIK AND
PRASANNA B. VARALE, JJ.

DATE : 05.12.2015

By this petition, the petitioner has sought the protection of his services by relying on the judgment of the Full Bench of this Court, reported in **2015 (1) Mh.L.J. 457**.

The learned Assistant Government Pleader and the learned Counsel for the respondent - employer states that the services of the petitioner cannot be protected as the caste claim of the petitioner is not yet verified by the Scrutiny Committee.

The learned Counsel for the petitioner states that the caste certificate and the other necessary documents were tendered by the petitioner to the respondent nos.2 and 3 for remitting the caste claim of the petitioner to the Scrutiny Committee for verification.

The learned Counsel for the respondent no.2 – employer states that the caste claim of the petitioner was referred to the Scrutiny Committee for verification.

Shri Pathan, the learned Assistant Government Pleader appearing for the Scrutiny Committee states, on instructions, that on inspection, the Scrutiny Committee did not find that the caste claim of the petitioner was referred to the Scrutiny Committee for verification. It is stated that in the absence of any record for verification of the caste claim, the caste claim of the petitioner cannot be verified.

Since there is some dispute in regard to the referring of the caste claim of the petitioner to the Scrutiny Committee for verification, in the circumstances of the case and in the interest of justice, we direct the petitioner to submit the certified copy or attested copy of the caste certificate along with the necessary documents to the respondent nos.2 and 3 within a period of three weeks and further direct the respondent nos.2 and 3 to refer the caste claim of the petitioner to the Scrutiny Committee for verification, within a period of two weeks from the receipt of the documents from the petitioner. We direct the Scrutiny Committee to decide the caste claim of the petitioner, within a period of one year from the date of receipt of the same. The services of the petitioner are protected, till his caste claim is decided.

With these directions, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE