

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 1734/2014

(INAMDAR MOHD. AFZAL GULAM BASIT **VERSUS** THE STATE OF MAH. & OTHERS)

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

Court's or Judge's orders

Shri A.I. Sheikh, counsel for the petitioner.
Shri S.M. Bhagde, A.G.P. for the R-1.
Shri A.L. Deshpande, counsel for the R-2.

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

DATE : MAY 6, 2015.

By this petition, the petitioner seeks a direction to the respondent no.2-Committee to decide the caste claim of the petitioner within a time frame. The petitioner also seeks the protection of his services till his caste claim is decided.

It is the case of the petitioner that the respondent no.2-Committee has not decided the caste claim of the petitioner though the same was sent by the Zilla Parishad to the respondent no.2-Committee for verification in the year 2006. It is stated that the Zilla Parishad has sought to terminate the services of the petitioner for non-production of the caste validity certificate and, hence, the petition is filed seeking the aforesaid relief.

Shri Deshpande, the learned counsel for the respondent no.2-Committee, states, on instructions, that the caste claim of the petitioner was returned by the respondent no.2-Committee to the Zilla Parishad on 27.06.2006. It is stated that the respondent no.2-Committee is not even aware whether the proposal of the petitioner is returned or the said proposal was related to some other claim. It is stated that the reason for returning the caste claim to the Zilla Parishad is, however, not known.

Since the caste claim of the petitioner is yet not verified by the respondent no.2-Committee, it would be necessary to dispose of the writ petition with a direction to the Zilla Parishad to send the caste claim of the petitioner along with the relevant documents to the respondent no.2-Committee within a period of one month and with a direction to the respondent no.2-Committee to decide the caste claim within a time frame. It would also be necessary to protect the services of the petitioner as the petitioner is said to have no knowledge about the return of the caste claim by the respondent no.2-Committee to the Zilla Parishad.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The Zilla Parishad is directed to send the relevant papers in respect of the caste claim of the petitioner to the respondent no.2-Committee within a period of one month from the date of receipt of the same from the petitioner. The petitioner is directed to submit the necessary papers to the Zilla Parishad within a period of three weeks. The respondent no.2-Committee is directed to decide the caste claim of the petitioner within a period of one year from the receipt of the same. The services of the petitioner are protected till his caste claim is decided.

Order accordingly. No costs.

JUDGE

JUDGE

APTE