

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

WRIT PETITION NO.3696 OF OF 2001.

Anil Namdeorao Gandhe ..vs.. The State of Mah. and ors.

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

Court's or Judge's orders

Mr.A.R.Patil, Advocate for the petitioner.
Mr.A.D.Mohgaonkar, Adv. for respondent nos. 2 and 3.
Mr.N.Patil, AGP for respondent nos.1, 4, 5 and 6.

**CORAM : B.P.DHARMADHIKARI AND
P.N.DESHMUKH, JJ.**

DATE : OCTOBER 28, 2015.

1. Advocate Mr.Patil appearing for the petitioner invites our attention to pursis filed vide St.No.11560 of 2015 and to document filed with it. He submits that as per said document which is office order dated 10th February, 2015 petitioner has been absorbed in "N.T. - C" category and thus his roster point has also been changed from Scheduled Tribe to "N.T. - C" Category. He invites attention to the judgment dated 5th of October, 2015 delivered in Writ Petition No.732 of 2001 in similar circumstances. He, therefore, seeks similar order.

2. Advocate Mohgaonkar appearing for employer – respondent nos.2 and 3 does not dispute the factual aspect. Learned AGP appearing for respondent nos.1, 4, 5 and 6 states that in petition challenge was to the show cause notice issued by employer for not producing caste validity certificate.

3. After hearing the respective counsel we find that this Court on 7th of November, 2001 while issuing notice in Writ Petition protected employment of petitioner by directing parties to maintain status quo. Rule was issued in the matter on 23rd of January, 2002.

4. The copy of order dated 10th of February, 2015 shows that employer has accepted change in category from Scheduled Tribe to “N.T. - C” and petitioner has been shown as absorbed against a corresponding roster point. Entries in his service book are also corrected.

5. Show cause notice was issued on 10th of October, 2001 for alleged failure of petitioner to submit relevant documents. Because of interim orders passed by this Court, the petitioner has continued in employment and at this stage the employer has also accepted him as a candidate belonging to “N.T. - C” Category.

6. In Writ petition No.732 of 2001 decided on 5th of October, 2015, the identical controversy has been looked into and petition was disposed of as there was no cause of action.

7. In view of subsequent change in his category, it is apparent that the present petitioner does not have now any cause of action against his employer. Hence, following the judgment in Writ Petition No.732 of 2001, mentioned supra, we dispose of the petition in the light of letter 10th of February, 2015.

Rule is discharged. No costs.

JUDGE

JUDGE

Chute.