

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

WRIT PETITION NO.2474 OF 2015

(Shri Bharat s/o Murlidhar Nimje ..vs.. Deputy Director, Health Services, Nagpur and others)

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

 Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
 S.B. SHUKRE, JJ.**

DATE : 28-04-2015.

Heard Shri J.Y. Ghurde, learned Advocate for the petitioner, Shri M.K. Pathan, learned Assistant Government Pleader for respondent Nos.1 and 3/employer and Mrs. Bharti Dangre, learned Advocate for respondent No.2/Committee.

2. Caste Claim of the petitioner as belonging to Halba Scheduled Tribe is pending for vigilance report with respondent No.2/Committee. It is not in dispute that the petitioner has joined the employment in pursuance of appointment order dated 28-4-1997. Shri J.Y. Ghurde, learned Advocate submits that as caste claim is pending, the petitioner cannot be terminated. He also submits that in view of the Full Bench's judgment in the case of *Arun Vishwanath Sonone .vs. State of Maharashtra and others* reported at *2015(1)Mh.L.J. 457*, the petitioner is entitled for

protection of employment.

3. As caste claim is pending, we direct the petitioner to appear before respondent No.2/Committee on 15-6-2015 and to abide by its further instructions in the matter. The Committee shall complete the process within next one year.

4. Respondent Nos.1 and 3/employer shall not terminate services of the petitioner in the meanwhile on said count. This interim order shall be subject to further order of respondent No.2/Committee in the matter.

5. The writ petition is partly allowed. No costs.

JUDGE

JUDGE

pma