

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

WRIT PETITION NO. 4154 OF 2000.

Abdul Aqyeel s/o Sk. Ismail .vs. The Committee for Scrutiny & Verification of
Scheduled Caste Claims, Amravati & others

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

Mr. Naresh Saboo, Advocate for petitioner,
Mr. D.P. Thakare, Additional Government Pleader for respondent
nos. 1, 2 & 4.
Mr. N.G. Khandewale, Advocate for respondent no.3,

CORAM : B.R. GAVAI & C.V. BHADANG, JJ.

DATED : MARCH 10, 2015.

The petition is taken up for hearing by consent.

The petitioner though had initially approached this Court being aggrieved by invalidation of the claim of the petitioner of belonging to Scheduled Caste, the petitioner has given up the said claim and is only pressing the petition for protection of his service.

The petitioner is appointed in the year 2000 as an Assistant Teacher by the respondent no.3 Municipal Council. However, the appointment of the petitioner was against a post reserved for Scheduled Caste. The claim of the petitioner is rejected on the ground that the petitioner professes Muslim religion and as such, he is not entitled to the benefit of Scheduled Caste.

The State has issued a Government Resolution dated 7.12.2001 wherein it is provided that in Urdu Medium

Schools, there shall be no reservation for Scheduled Caste candidates. Not only that the respondent Municipal Council has also passed a Resolution on 21.4.2008, thereby resolving to regularize the services of the petitioner and consider him as a candidate belonging to a General Category.

It is further to be noted that the petitioner has now obtained a certificate of belonging to Special Backward Class category. It is further to be taken into consideration that the petitioner has served for a period of more than 15 years.

In that view of the matter, the writ petition is allowed. The petitioner's services are entitled to be protected. The respondent Municipal Council is directed to protect the services of the petitioner. The respondent no.4 is directed to grant approval to the services of the petitioner.

The respondent Municipal Council shall forward the proposal of the petitioner of belonging to Special Backward Class category. It is made clear that if the petitioner's claim of belonging to Special Backward Class is validated, he shall be considered as a candidate belonging to Special Backward Class category and if the said claim is invalidated, he shall be considered as a candidate belonging to Open Category.

The petitioner shall file an undertaking in this Court within a period of two weeks that he shall not claim any of the benefits of belonging to Scheduled Caste.

Judge

Judge

J.