

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY, NAGPUR**  
**BENCH, NAGPUR.**

**WRIT PETITION NO.2561 OF 2014**

**Sanjay Ambadas Tandale ..vs.. The State of Mah., thr the Secretary,  
Deptt. of Education, Mantralaya, Mumbai and ors**

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

Court's or Judge's order

Shri S.D. Harode, counsel for the Petitioner.  
Shri R.D. Bhuibhar, counsel for R-2 & 3.  
Mrs. Ketki Joshi, AGP for R-1 & 4.

**CORAM** : B.P.DHARMADHIKARI &  
A.P.BHANGALE, JJ.  
**DATE** : JANUARY 21, 2015.

**Heard.**

Apparently, the caste claim of the petitioner as belonging to caste "*Tirumal*" [ *Nomadic Tribe* (B) ] has not been verified by the Caste Scrutiny Committee, Amravati as per the provisions of The Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (*Vimukta Jatis*), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance And Verification of) Caste Certificate Act, 2000 (Act No.XXIII of 2001).

Shri R.D. Bhuibhar, learned counsel for respondent Nos.2 and 3 states that the said caste

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claim of the petitioner was forwarded to respondent No.4 – Caste Scrutiny Committee, Amravati, but it was received back with remark that it must be submitted to the Caste Scrutiny Committee at Nagpur. He also states that thereafter the petitioner gave another caste certificate which shown that he belonged to caste “Teli” which included in “*Other Backward Classes*”.

Mrs. Ketki Joshi, learned Assistant Government Pleader for respondent Nos.1 and 4, submits that the caste claim of the petitioner as belonging to caste “*Tirumal*” must be verified by the Caste Scrutiny Committee at Nagpur and that Committee at Nagpur is not party to this writ petition. She submits that the said caste claim may not have been received by Committee at Nagpur.

Shri R.D. Bhuibhar, learned counsel for respondent Nos.2 and 3, is seeking time to verify whether the caste claim of the petitioner has been submitted again to the Caste Scrutiny Committee at Nagpur.

Instead of adjourning the matter, we

direct the petitioner to add the Divisional Caste Scrutiny Committee at Nagpur as party respondent No.5. Necessary amendment be carried out forthwith.

Mrs. Ketki Joshi, learned Assistant Government Pleader, waives notice for added respondent No.5.

Shri R.D. Bhuibhar, learned counsel for respondent Nos.2 and 3, shall forward the caste claim of the petitioner on the basis of caste certificate dated 17.11.1995 (at Page No.7 of the writ petition) to respondent No.5 within a period of three weeks from today.

The Scrutiny Committee at Nagpur shall thereafter proceed further to adjudicate the caste claim of the petitioner in accordance with law and on its own merit within further period of one year.

Needless to mention that *ad interim* order granted by this Court on 30.5.2014 shall continue, till then and shall be subject to it.

With these directions and keeping the prayer for protection of the services of the

petitioner open for consideration after such adjudication by the Caste Scrutiny Committee, we dispose of the writ petition with no order as to costs.

However, if the documents are not received by respondent No.5 – Caste Scrutiny Committee at Nagpur, within a period specified above, *ad interim* order granted by this Court on 30.5.2014 shall cease to operate thereafter automatically.

JUDGE

JUDGE

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