

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

WRIT PETITION NO.3998 OF 2014

(Shri Rishikesh Bhimrao Patil vs. Chief Regional Manager, Oriental Insurance Co. Ltd. and others)

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

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

DATED : AUGUST 24, 2015

Heard Adv. Lambat for petitioner,
Adv. Quazi for respondent nos.1 to 3 and Shri Uke,
learned Additional Government Pleader for State
Government.

State Government was called upon to file
a report on the xerox copy of caste certificate
submitted by petitioner to his employer.
Accordingly, Tahsildar, Jalgaon has filed a pursis,
which states that in the register in which issuance of
caste certificate has been recorded, on date on which
petitioner claims that he got caste certificate, i.e.

26/5/1989, there is no entry in the name of the petitioner. On the contrary, entry is in the name of some other person.

According to Adv. Lambat, Tahsildar has not verified correct outward number register and, therefore, in pursis, wrong statement has been made.

After hearing respective Counsel, we find that the petitioner joined employment and thereafter has never submitted original caste certificate to enable his employer to forward it to Caste Scrutiny Committee, with the result, after necessary enquiry, Disciplinary Authority passed an order against him and terminated his employment. This order of Disciplinary Authority has been maintained by the appellate Authority on 28/5/2013. Before these Authorities, case of petitioner was that his original caste certificate was lost during transit.

In the petition, effort is made to demonstrate that original caste certificate was shown while entering employment and on its strength, the photostat copy has been attested and verified by the employer.

Adv. Lambat has further stated that the

petitioner also got caste certificate dated 15/3/2010, which shows that he belongs to Mahadeo Koli (Scheduled Tribe). The caste certificate dated 15/3/2010 was obtained before the orders of Disciplinary Authority and appellate Authority, but why it could not be handed over to employer, i.e. respondents for forwarding it to Caste Scrutiny Committee is not clear.

Adv. Lambat in this situation is seeking time to obtain instructions and to file additional affidavit. However, after some arguments and after realising that some disputed questions of facts arise, he seeks leave to approach alternate forum, namely, Central Government Industrial Tribunal.

Hence, with said liberty to petitioner and keeping all rival contentions open, we dispose of the petition as withdrawn. No costs.

JUDGE

JUDGE

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