

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

WRIT PETITION No. 3006/2014.

Bhojraj Rambhau Parate

VERSUS

State of Maharashtra 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
& A.P. BHANGALE, JJ.

DATED : JANUARY 22, 2015.

Heard Shri P.S. Khubalkar, learned
Counsel for the petitioner, Shri N. Rode, learned A.G.P.
for respondent nos. 1 and 2 and Shri K.P. Sadavarte,
learned Counsel for respondent No.3.

Caste claim of petitioner as belonging to
Halba, Scheduled Tribe is admittedly still under
consideration of the respondent no.3 Committee. This
Court has on 27.06.2014, while issuing notice

protected her employment.

On 10.10.2014, considering the position then prevailing, petitioner's counsel upon instructions made a statement that challenge in petition will be restricted to protection. However, in the light of later Full Bench judgment of this Court in case of Arun Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457), the learned Counsel states that petitioner should be permitted to proceed further in the matter in accordance with law.

As the aspect of protection was fluid till it was decided by the Full Bench of this Court on 22.12.2014, the request is granted.

In this situation, we direct the petitioner to appear before the respondent no.3 Scrutiny Committee on 03.03.2015 and respondent no.3 - Committee shall thereafter attempt to verify the caste claim of petitioner in accordance with 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 & Verification of) Caste Certificates Act, (Act No. 23 of 2001) within next one year.

Till then the interim orders granted by this Court protecting service of petitioner shall continue and shall be subject to final orders of the Scrutiny Committee in the matter.

Writ Petition is, thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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