

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

WRIT PETITION NO. 3787 /2015

(Satyanarayan Yellaya Gare vs. Chief Officer, Nagar Parishad, Desaijanj and another)

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

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Mr. N.C.Phadnis, Advocate for petitioner
Mr. M.I. Dhattrak, Adv.for respondent no.1
Mr. N.R.Rode, Asst. Government Pleaders for respondent no.2

**CORAM : SMT.VASANTI A. NAIK &
A.I.S.CHEEMA, JJ.**

DATED : 1st September, 2015.

Heard.

By this petition, the petitioner seeks a direction to the Scrutiny Committee Gadchiroli/respondent no.2 to decide the caste claim of the petitioner within a time-frame. The petitioner has also challenged the proposed action of termination initiated by the respondent no.1 against the petitioner for not submitting the caste validity certificate.

The petitioner was selected by the Regional Subordinate Services Selection Board and appointed on the post of Water Supply Clerk by the respondent no.1 on 19.1.1993. According to the petitioner, the petitioner has submitted the necessary documents to the respondent no.1 for remitting the same to the Scrutiny Committee for verification of his caste claim as the petitioner was appointed on a post earmarked for the Scheduled Tribe. It is stated that though the caste claim of the petitioner is now referred by the

respondent no.1 to the Scrutiny Committee, the respondent no.2-Scrutiny committee has not decided the caste claim of the petitioner till date. It is stated that since the petitioner has not tendered the caste validity certificate, the respondent no.1 has proposed the action of termination against the petitioner.

Shri M.I. Dhattrak, the learned counsel for the respondent no.1 and Shri N.S.Rode, the learned Assistant Government Pleader appearing for the Scrutiny committee/respondent no.2 state on instructions that the petitioner has not tendered the original caste certificate to the Scrutiny Committee for verification of the same. It is stated on behalf of the Committee that in the absence of the original caste certificate it would not be possible for the Scrutiny Committee to decide the caste claim of the petitioner.

Shri Phadnis, the learned counsel for the petitioner states that the petitioner had misplaced the original caste certificate and has sought a duplicate of the original caste certificate from the Competent Authority. It is stated that the petitioner is submitting the duplicate caste certificate (of the original) to the Scrutiny Committee within a period of four weeks and this Court may direct the Scrutiny Committee to decide the caste claim of the petitioner within a reasonable time.

In view of the aforesaid, we dispose of the Writ Petition with a direction to the petitioner to submit duplicate caste certificate to the Scrutiny Committee within a period of four weeks; and a direction to the Scrutiny Committee to decide the caste claim of the petitioner as early as possible

and positively within a period of fifteen months from the date of receipt of the duplicate caste certificate.

Since the petitioner was appointed in the year 1993 and has worked with respondent no.1 for a period of more than twenty years, we protect the services of the petitioner, till his caste claim is decided.

Order accordingly. No costs.

JUDGE

JUDGE

sahare