

IN THE COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 3736/2013

(Prafulla Vishwasrao Mandlik vs. The President, The Berar General Education Society, Akola and another)

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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

.....
Mr. Joshi, Advocate for the petitioner

Mr. A.R.Deshpande, Advocate for respondent nos.1 & 2

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

DATED : 2nd September, 2015.

Heard.

By this petition, the petitioner has sought the protection of his services in view of the judgment of the Full Bench reported in **2015 (1) Mh.L.J. 457: Arun. Sonone vs. State).**

Shri A.R.Deshpande, the learned counsel for the respondent nos. 1 and 2 states that the services of the petitioner cannot be protected in view of the judgment, as the petitioner's caste claim is not yet verified by the Scrutiny Committee and hence one of the conditions for seeking protection have not been complied with.

Shri Joshi, the learned counsel for the petitioner states that since the respondent nos.1 and 2 have informed the petitioner that the original caste certificate and other material documents were returned to the petitioner and according to the petitioner they

were not returned to him, the petitioner may be permitted to secure a duplicate caste certificate from the Competent Authority so that the same could be tendered to the respondent nos.1 and 2 who, in turn, may forward the same to the Scrutiny Committee along with the other documents for verification of the caste claim of the petitioner.

The prayer made on behalf of the petitioner is just and reasonable. The learned counsel for the respondent nos.1 and 2 also does not seriously object to the said prayer. Hence we permit the petitioner to secure the duplicate caste certificate (of the original) from the Competent Authority within a period of two months and tender the same to the respondent nos.1 and 2, so that the respondent nos.1 and 2 could forward the same to the Scrutiny Committee for verification. We direct the respondent nos. 1 and 2 to submit the caste certificate of the petitioner to the Scrutiny Committee along with the necessary documents tendered by the petitioner within a period of fifteen days from the receipt thereof. We direct the Scrutiny Committee to decide the caste claim of the petitioner as early as possible and positively within a period of 18 months from the date of receipt of the same.

The services of the petitioner are protected till the Scrutiny Committee decides the caste claim of the petitioner.

Order accordingly. No costs.

JUDGE

JUDGE