

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

WRIT PETITION NO. 3889 OF 2013

(Sau. Kalpana w/o Sudhakar Kohade vs. CEO, Zilla Parishad, Gondia & Ors.)

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

Court's or Judge's orders.

**CORAM : B.P. DHARMADHIKARI &
S.B. SHUKRE, JJ.
APRIL 08, 2015.**

Heard Shri Narnaware, learned counsel for the petitioner, Shri Kapgate, learned counsel for respondent Nos. 1 & 2 and Smt. Dangre, learned counsel for respondent No. 3 – Scrutiny Committee.

The petitioner is already out of employment, however, her caste claim is still not verified. The petitioner submits that copies of documents were given to the employer.

Shri Kapgate, learned counsel on behalf of the employer submits that photocopies were only provided and those documents received in the Court by the employer show different caste. He submits that earlier the petitioner was terminated from services and the matter was placed back before the employer to find out the record in which the employment was provided to the petitioner. After due verification, it was found that the petitioner was recruited against Scheduled Tribe vacancy and hence her termination order was upheld. The petitioner did not take any steps for a

period of about 1½ years thereafter and has chosen to approach this Court again only after delivery of some judgments, granting protection of employment.

Smt. Dangre, learned counsel for respondent No. 3 – Committee supports the arguments of Shri Kapgate, learned counsel. She submits that if the original documents are submitted to Respondent No. 3 by the petitioner or her employer, Respondent No. 3 shall attempt to complete the verification at the earliest.

The petitioner claims that she has joined the employment in the year 1995 and she is out of employment since 05.05.2011.

In the circumstances, we find that the interests of justice can be met with by directing the petitioner to provide all necessary original documents and other data to Respondent No. 3 – Committee within a period of four weeks from today. If the said data is received by the Committee, the Committee shall proceed further with verification 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), and attempt to complete it within a period of next one year.

We direct the petitioner to appear before Respondent No. 3 – Committee, on 15.06.2015 and to cooperate with it in expeditious consideration of her caste claim. The petitioner shall stand reinstated with continuity if

the caste claim is validated. However, if the caste claim is found invalidated, the question of grant of protection of her employment shall then be looked into in appropriate challenge by this Court in terms of Full Bench judgment of this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., 2015 (1) Mh.L.J. 457 (FB). If the caste claim is found valid and she is reinstated with continuity, the question of treatment of period of absence and grant of back wages shall be looked into by her employer in accordance with the provisions of Service Rules.

With these directions, writ petition is disposed of. However, there shall be no order as to costs.

JUDGE

JUDGE

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