

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

WRIT PETITION NO.3893 OF 2013

Mrs. Sunita w/o Shatrughna Taksale

..vs..

**State of Maharashtra, thr its Secretary, Department of Education,
Mantralaya, Mumbai and ors**

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

Court's or Judge's order

**Shri Anil S. Mardikar, Senior Counsel for the Petitioner.
Shri Abhijeet Deshpande, Counsel for R-5.**

**CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : FEBRUARY 25, 2015.**

Heard.

Without prejudice to other contentions in the matter and in the light of order passed by this Court on 28.1.2015 in Writ Petition No.4126 of 2013, Shri Anil S. Mardikar, learned Senior Counsel for the petitioner, submits that as per that order, the caste claim of the petitioner may also be verified by respondent No.5 – Caste Scrutiny

.....2/-

Committee.

Shri Abhijeet Deshpande, learned Counsel for respondent No.5 - Caste Scrutiny Committee, submits that respondent No.5 – Caste Scrutiny Committee may not have received the caste claim of the petitioner for its verification.

The facts placed on record by the petitioner show that on 13.1.2011 the Management has absorbed her in “*Open Category*”. The Caste Validity Certificate has been demanded, thereafter, on 27.6.2013.

In this situation, as none appears for respondent Nos.3 and 4 - Management though they are served, we direct them to forward the caste claim of the petitioner to respondent No.5 – Caste Scrutiny Committee within a period of three weeks from today. The petitioner shall appear before respondent No.5 – Caste Scrutiny Committee on 16.4.2015. The Caste Scrutiny

.....3/-

Committee shall, thereafter, attempt to complete the caste verification in accordance with the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.XXIII of 2001) within next one year.

Till then, *interim order* granted on 23.7.2013 to continue and shall be subject to such verification.

The other contentions of Shri Anil S. Mardikar, learned Senior Counsel, that the petitioner has been absorbed in “*Open Category*” or then about entitlement to protection in the light of the Full Bench Judgment of this Court in the case **Arun s/o Vishwanath Sonone ..vs.. State of Maharashtra & ors,** reported at **2015(1) Mh.L.J. 457,** are kept open and can be

looked into after such adjudication if occasion therefor arises.

The writ petition is, thus, partly allowed and disposed of.

JUDGE

JUDGE

!! BRW !!

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