

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

WRIT PETITION NO.4171 OF 2015

[Rukhmini d/o Chintaman Sangale .vs. Scheduled Tribe Caste Certificate Scrutiny Committee,
Amravati and others]

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

Court's or Judge's orders

Shri S.D. Khati, counsel for the petitioner,
Shri N.R. Rode, AGP for the respondent no.1,
Shri P.P. Deshmukh, counsel for the respondent nos.2 and 3.

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

DATED : AUGUST 21, 2015.

Heard.

By this petition, the petitioner seeks a direction to the respondent no.2 to protect the services of the petitioner after reinstating her in service, in view of the law laid down by this court in the judgment reported in 2015 (1) Mh.L.J. 457 (Arun s/o Vishwanath Sonone .vs. State of Maharashtra and others).

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondent no.1 and Shri Deshmukh, the learned counsel appearing on behalf of the respondent nos.2 and 3, state that the services of the petitioner cannot be protected in view of the judgment of the full bench referred to hereinabove, as the caste claim of the petitioner has not been decided by the scrutiny committee, as the petitioner had given up her claim. It is stated that if the caste claim of the petitioner is referred to the scrutiny committee, the same would be decided, in view of the direction of this court.

In view of the objection raised by the learned counsel

for the respondents, the learned counsel for the petitioner states that the scrutiny committee may consider the caste claim of the petitioner by ignoring the affidavit of the petitioner, dated 12.6.2015, that was tendered before the scrutiny committee.

In the peculiar circumstances of the case, we direct the respondent no.1-scrutiny committee to decide the caste claim of the petitioner in accordance with law on the basis of the caste certificate and the other documents already tendered to the scrutiny committee, within a period of six months, from the date of appearance of the petitioner before the scrutiny committee. The petitioner undertakes to appear before the scrutiny committee on 1.9.2015, so that issuance of notice to the petitioner could be dispensed with. The petitioner would be at liberty to file an appropriate proceedings for the protection of her services, after her caste claim is decided. Order accordingly. No costs. Steno copy is allowed.

JUDGE

JUDGE