

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

WRIT PETITION No. 4112/2013.

Shakil Ahamed Abdul Jalil.

-VERSUS-

Municipal Corporation, Akola and others.

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.**

DATE : APRIL 22, 2015.

Heard Shri R.D. Karode, learned Counsel
for the petitioner, Shri Amol Deshpande, learned
Counsel for respondent nos. 1 and 2 and Shri A.M.
Deshpande, learned A.G.P. for respondent no.3.

2. Shri Karode, learned counsel for petitioner
seeks leave to join Scheduled Tribe Caste Certificate
Scrutiny Committee, Amravati as party respondent.
Leave granted. Shri A.M. Deshpande, learned counsel
present in court waives notice for added respondent.

3. Learned counsel for petitioner states that
caste claim of petitioner is still not verified and he has
joined employment on 29.06.1990. He in this

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background submits that a communication dated 17.07.2013, asking the petitioner to produce validity and otherwise threatening him with coercive action is, therefore, without jurisdiction.

4. Shri Amol Deshpande, learned Counsel points out that the petitioner has not submitted the documents, hence, case could not be forwarded to the Committee. Learned A.G.P. supports the arguments of respondent nos. 1 and 2.

5. Learned Counsel for Scrutiny Committee submits that it appears that the proposal for verification has not been received by the added respondent, and therefore, no relief can be given in the matter against it.

6. Learned counsel for petitioner during arguments states that the petitioner shall submit necessary documents for verification through his employer within a period of four weeks from today.

7. Considering the fact that the petitioner is in employment since 1990, we direct the petitioner to supply necessary documents to respondent no.1 within a period of four weeks from today. Respondent no.1 shall then within further period of four weeks forward

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the same to the respondent no.4 (added respondent). Respondent no.4 shall then proceed further with the verification in accordance with 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 shall attempt to complete the verification and scrutiny within further period of one year.

8. Interim order granted by this Court on 31.07.2013 protecting employment of petitioner to continue, and the same shall be subject to further orders passed by the Scrutiny Committee. Prayer of petitioner for grant of protection in employment is kept open, and shall be considered thereafter, if occasion therefor arises.

9. Writ Petition is, thus, partly allowed and disposed of. No costs.

JUDGE

JUDGE

Rgd.