

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

WRIT PETITION NO. 4415/2013.

Ku. Vaishali Vijayrao Wankhede

-VERSUS-

State of Maharashtra 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 28, 2015.

Heard Shri A.M. Balpande, learned Counsel for the petitioner, Shri N.R. Patil, learned A.G.P. for respondent no.1, Shri Abhay Sambre, learned counsel for respondent no.2 and Shri D.M. Kale, learned Counsel for respondent no.5.

2. Petitioner who joined employment in pursuance of order of appointment dated 26.06.1998, has approached this Court with contention that as she has been selected and appointed against open category, her caste claim cannot be sent for

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verification. However, in the light of later developments, learned counsel for petitioner upon instructions, but, without prejudice to the said contentions, submits that petitioner is ready and willing to cooperate in the matter and if caste claim is directed to be verified within a stipulated period, she has no objection.

3. Learned counsel appearing for respondent no.2 and 5 respectively, submit that petitioner was called upon to submit documents for verification, but she did not cooperate.

4. Learned A.G.P. submits that the challenge in the petition is to a communication dated 08.07.2013, issued by the Municipal Council in obedience of Government Resolution issued by the State Government on 18.05.2013.

5. As petitioner appears to have been appointed way back in the year 1998, prima facie she may be entitled to claim protection in employment in terms of Full Bench judgment of this Court in case of Arun Vishwanath Sonone .vrs. State of Maharashtra and others (2015 (1) Mh.L.J. 457) hence, we are inclined to grant the alternate request made by the

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learned counsel for the petitioner.

6. Thus, without prejudice to the contentions of petitioner, that she has been selected and appointed against open category post, petitioner is directed to submit necessary documents to respondent no.4 within a period of four weeks from today. After receipt of such documents, respondent nos. 2 and 4 shall forward the same to the competent Scrutiny Committee in accordance with law, within next four weeks. The said Committee shall then attempt to complete the verification in accordance with 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, (Act No. 23 of 2001), within next one year.

7. Interim order passed by this Court on 22.08.2013, protecting employment of petitioner shall continue to operate till then, and shall be subject to it.

8. Other contentions of learned counsel for petitioner that in any case petitioner is entitled to protection of employment in terms of Full Bench

judgment referred supra, is kept upon and can be looked into thereafter, if occasion therefor arise.

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

JUDGE

JUDGE

Rgd.