

FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.4011 OF 2014

Dr.Anil Jagannath Gaur

-VS-

The 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.

Mr. S.D.Harode, counsel for the petitioner.
Mrs.K.Joshi, AGP for the respondent Nos.1 and 4.
Mr. R.D.Bhuibhar, counsel for the respondent Nos.2 and 3.

CORAM : SMT. VASANTI A. NAIK &
A.M.BADAR, JJ.

DATE : 20.04.2015.

By this petition, the petitioner seeks the protection of his services in view of the law laid by the Hon'ble Supreme Court in the judgment reported in the case of Kavita Salunke v. State of Maharashtra reported in 2012 (5) Mh.L.J. 921 and Shalini Dalal v. New English High School reported in 2010 (3) AIR Bom.R. 275

Shri Bhuibhar, the learned counsel for the respondent Nos.2 and 3, states that the petitioner cannot seek the protection of his services by giving up his caste claim. It is stated that it would be necessary for the petitioner to seek verification of his caste claim from the Scrutiny Committee, in view of the judgment reported in 2015 (1) Mh.L.J. 457 (Arun Sonone v. State of Mah.). It is stated that if no observation in respect of fraud or false claim by the petitioner is made by the Scrutiny Committee, only then the services of the petitioner could be protected.

Shri Harode, the learned counsel for the petitioner, states that the respondent Nos.2 and 3 may be directed to send the caste claim of the petitioner to the Scrutiny Committee for verification. It is stated that the petitioner would supply the necessary documents to the respondent Nos.2 and 3 along with the caste certificate within a period of two weeks.

Shri Bhuibhar, the learned counsel for the respondent Nos.2 and 3, states that if the documents in support of the claim are submitted by the petitioner to the respondent Nos.2 and 3 within a period of two weeks, the respondent Nos.2 and 3 would remit the same to the Scrutiny Committee within a period of two weeks therefrom.

In view of the aforesaid statements, we dispose of the writ petition by directing the petitioner to submit the caste certificate and the necessary documents to the respondent Nos.2 and 3 within a period of two weeks and a direction to the respondent Nos.2 and 3 to send the said papers to the Competent Scrutiny Committee for verification. The Competent Scrutiny Committee should decide the caste claim of the petitioner as early as possible and positively within a period of nine months from the receipt of the caste claim. The services of the petitioner are protected till the caste claim is decided by the Scrutiny Committee as they were protected by the order of *ad interim* relief passed by this Court.

Order accordingly. No costs.

JUDGE

JUDGE