

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

WRIT PETITION NO. 4263 OF 2014

Lilaram Nathuji Luche

-vs-

Education Officer (Secondary), Bhandara 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.P Palshikar, counsel for the petitioner.
Mr.A.S.Fulzele, AGP for the respondent Nos.1 and 4.

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

DATE : 24.07.2015.

By this petition, the petitioner seeks a direction to the respondent No.4-Scrutiny Committee to decide the caste claim of the petitioner as early as possible. The petitioner challenges the order of the respondent Nos.2 and 3, directing the petitioner to produce the caste validity certificate or else his salary would be stopped and a Police complaint would be registered against him.

The petitioner was appointed as an Assistant Teacher in the year 1996 on a post earmarked for the Scheduled Tribes. Since the petitioner claimed to belong to 'Dhangad Scheduled Tribe', the caste claim of the petitioner was sent to the respondent No.4-Scrutiny Committee for verification. Though the caste claim of the petitioner is pending before the Scrutiny Committee and the same is not yet decided, the petitioner was served with the impugned notice, asking the petitioner to show cause as to why his salary should not be stopped and a Police

complaint should not be registered against him. According to the petitioner, the petitioner is not at fault in not producing the caste validity certificate and hence, the impugned order is liable to be set aside.

Shri Fulzele, the learned Assistant Government Pleader appearing on behalf of the respondent Nos.1 and 4, states by referring to the affidavit-in-reply filed on behalf of the respondent No.1 that the caste claim of the petitioner is pending before the respondent No.4-Scrutiny Committee. It is stated that the caste claim would be decided as early as possible.

Since the caste claim of the petitioner is pending before the respondent No.4, we dispose of the writ petition with a direction to the respondent No.4 to decide the caste claim of the petitioner as early as possible and positively within a period of one year from the date of appearance of the petitioner before the Scrutiny Committee. The petitioner undertakes to appear before the respondent No.4 on 05/08/2015 so that issuance of notice to the petitioner could be dispensed with. Since the petitioner was not at fault in not producing the caste validity certificate, the services of the petitioner are protected till his caste claim is decided.

Order accordingly. No order as to costs.

JUDGE

JUDGE