

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

WRIT PETITION NO. 4870/2015

(RAMESH RATIRAM SANGALE **VERSUS** STATE OF MAHARASHTRA & 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. Chande, counsel for the petitioner.
 Ms P.D. Rane, A.G.P. for the R-1 to 4.

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

DATE : AUGUST 21, 2015.

Heard.

By this petition, the petitioner challenges the notice dated 29.06.2015 asking the petitioner to show cause as to why his services should not be terminated for not submitting the caste validity certificate.

The petitioner was appointed on the post of Peon by an order dated 01.07.1999. The petitioner was appointed on the post that was earmarked for the Scheduled Tribes. The petitioner claims to belong to Koli Mahadeo Scheduled Tribe. The petitioner has submitted his caste claim to the Divisional Caste Scrutiny Committee for verification on 30.07.2013. It is the case of the petitioner that the scrutiny committee has not decided the caste claim of the petitioner for the past two years and the respondent no.3 has issued the impugned communication dated 29.06.2015 intending to terminate the services of the petitioner.

Ms Rane, the learned Assistant Government Pleader appearing on behalf of the respondents, states that the petitioner ought to have submitted the caste claim to the Scheduled Tribe Scrutiny Committee for verification but, the petitioner submitted the same to the Divisional Caste Scrutiny Committee. It is submitted that it would be necessary for the petitioner to tender the requisite documents to the respondent nos.3 and 4 for remitting the

caste claim of the petitioner to the Scheduled Tribe Scrutiny Committee, Amravati. It is stated that in case the petitioner submits the documents, the respondent nos.3 and 4 may remit the claim of the petitioner to the respondent no.2-Scrutiny Committee, for verification.

Shri Chande, the learned counsel for the petitioner, states that the petitioner would tender the necessary documents to the respondent nos.3 and 4 within a period of two weeks so that the same could be sent to the respondent no.2-Committee for verification of the tribe claim of the petitioner.

In view of the statements recorded hereinabove, we dispose of the writ petition with a direction to the petitioner to tender the documents in respect of his caste claim to the respondent nos.3 and 4 within a period of fifteen days and with a direction to the respondent nos.3 and 4 to remit the caste claim of the petitioner to the respondent no.2-Committee as early as possible and positively within a period of one month from the date of receipt of the documents. The respondent no.2-Committee is directed to decide the caste claim of the petitioner as early as possible and positively within a period of one year from the date of receipt of the same from the respondent nos.3 and 4. Since the petitioner is not at fault in not producing the caste validity certificate, the services of the petitioner are protected till his caste claim is decided.

With the aforesaid directions and observations, the writ petition is disposed of with no order as to costs.

JUDGE

JUDGE