

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

WRIT PETITION NO.4970 OF 2015

[Rajendrasingh s/o Gopalsingh Chandel .vs. Divisional Caste Certificate Scrutiny Committee No.3,
Civil Lines, Nagpur and 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.R. Narnaware, counsel for the petitioner,
Ms. N.P. Mehta, AGP for the respondent nos.1 and 2.
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CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATED : SEPTEMBER 08, 2015.

By this petition, the petitioner seeks a direction to the scrutiny committee to decide the caste claim of the petitioner within a time frame. The petitioner challenges the show cause notice, dated 30.7.2015 intending to terminate the services of the petitioner in the absence of the caste validity certificate.

According to the petitioner, though the caste claim of the petitioner was referred to the scrutiny committee in 2013, the same has not been decided by the scrutiny committee as yet. It is stated that the respondents have issued the notice of intended termination though the petitioner is not at fault.

Ms. Mehta, the learned Assistant Government Pleader appearing on behalf of the scrutiny committee as well as the respondent-employer states, on instructions, that the caste claim of the petitioner is not referred by the employer to the scrutiny committee for verification. It is stated, on instructions from the scrutiny committee, that the scrutiny committee has also not received the caste claim of the petitioner and hence it would not be possible for the scrutiny committee to adjudicate on the caste claim.

At this stage, Shri Narnaware, the learned counsel for the petitioner, states that the petitioner would positively tender the original

caste certificate and the necessary documents to the respondent no.2, within a period of three weeks and the respondent no.2 may be directed to refer the caste claim of the petitioner to the scrutiny committee within a time frame.

On the request made by the learned counsel for the petitioner, we dispose of the writ petition, with a direction to the petitioner to submit the caste certificate and the necessary documents to the respondent no.2, within a period of three weeks. We direct the respondent no.2 to refer the caste claim of the petitioner to the scrutiny committee for verification, within a period of two weeks, from the receipt of the documents and the caste certificate from the petitioner. The scrutiny committee is directed to decide the caste claim of the petitioner, within a period of one year, from the receipt of the caste claim from the respondent no.2. The services of the petitioner are protected till his caste claim is decided. It is hereby made clear that the respondent no.2 would be free to terminate the services of the petitioner, if the petitioner fails to tender the caste certificate and the necessary documents to the respondent no.2, within a period of three weeks. Order accordingly. No costs.

JUDGE

JUDGE

Gulande