

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

WRIT PETITION NO. 4972/2015

(VITTHAL KASHINATH RAUT **VERSUS** THE S.T. CASTE CERTIFICATE SCRUTINY COMMITTEE,
 AMRAVATI & OTHERS)

 Office Notes, Office Memoranda of Coram,
 appearances, Court's orders of directions
 and Registrar's orders

Court's or Judge's orders

 Ms G.R. Tiwari, counsel for the petitioner.
 Shri N.R. Rode, A.G.P. for the R-1.
 Shri V.G. Wankhede, counsel for the R-2 & 3.

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

DATE : SEPTEMBER 9, 2015.

By this petition, the petitioner seeks a direction to the respondent nos.2 and 3 to appoint the petitioner on the post of Junior Electrician (General) subject to the decision of the caste scrutiny committee. The petitioner seeks a direction to the respondent no.1-Committee to decide the caste claim of the petitioner within a stipulated period.

The petitioner claims to belong to Mana Scheduled Tribe and had applied for the post of Artisan A Junior (Electrician) in pursuance of an advertisement issued by the respondent nos.2 and 3. The petitioner is selected for appointment on the post reserved for the Scheduled Tribes. Though the petitioner possesses a caste certificate, the petitioner does not possess a caste validity certificate. The caste claim of the petitioner was forwarded by the respondent nos.2 and 3 to the respondent no.1-Committee for verification and the same is pending before the respondent no.1-Committee. In the aforesaid set of facts, the petitioner has sought a direction to the respondent nos.2 and 3 to appoint the petitioner on the post of Artisan A Junior (Electrician), during the pendency of the proceedings before the respondent no.1-Committee.

Shri Rode, the learned Assistant Government Pleader appearing on behalf of the respondent no.1-Committee, states that the caste claim of the petitioner is pending before the respondent no.1-Committee and the same would be decided as soon as the vigilance report is received by the respondent no.1-Committee. It is stated that this Court may direct the respondent no.1-Committee to decide the matter within a time frame.

Shri Wankhede, the learned counsel for the respondent nos.2 and 3, states that since the petitioner does not possess the caste validity certificate, the petitioner cannot be appointed during the pendency of the enquiry in respect of the caste claim. It is submitted that the respondent nos.2 and 3 would keep the post for which the petitioner is selected, vacant till the caste claim is decided.

In view of the statements recorded hereinabove, we dispose of the writ petition with a direction to the respondent no.1-Committee to decide the caste claim of the petitioner as early as possible and positively within a period of four months from the date of appearance of the petitioner before the respondent no.1-Committee. The petitioner undertakes to appear before the respondent no.1-Committee on 21.09.2015 so that issuance of notice to the petitioner could be dispensed with. We accept the statement made by the learned counsel for the respondent nos.2 and 3 that the post for which the petitioner is selected would not be filled till the petitioner's caste claim is decided and the same would be binding on the respondent nos.2 and 3.

order accordingly. No order as to costs.

Steno copy of the order is granted, on request.

JUDGE

JUDGE