

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

WRIT PETITION NO.5768 OF 2013

**Bhagwat Sarunrao Nandagale vs. Scheduled Tribe Caste Scrutiny
Committee, thr its Member Secretary, Nagpur and anr**

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

Court's or Judge's order

Shri Y.B. Mandpe, counsel for the petitioner.
Shri K.P. Sadavarte, counsel for R-1.
Shri Anoop Parihar, counsel for R-2.

CORAM : B.P.DHARMADHIKARI &
A.P.BHANGALE, JJ.
DATE : JANUARY 15, 2015.

Heard.

The petitioner has obtained his Caste Certificate as belonging to caste “Thakur” (Scheduled Tribe) on 14.5.1993 and got employment on 1.9.1997. It is urged that his caste claim is still pending and as such the services of the petitioner need to be protected.

Shri Anoop Parihar, learned counsel for respondent No.2 – employer, relies upon the reply affidavit to demonstrate that the petitioner has not supplied the necessary documents so as to enable the employer to forward it to the Scrutiny Committee since year 2002.

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Shri K.P. Sadawarte, learned counsel for respondent No.1 – Committee, states that all necessary documents are not received. However, respondent No.1 – Committee could not take any decision on the caste claim of the petitioner.

We find this submission improper. Had the petitioner not co-operated with Committee, the Scrutiny Committee could have passed the suitable orders and then the petitioner could have been left free to challenge that order. Non co-operation, therefore, cannot be an excuse in this situation.

The petitioner shall supply the necessary documents to respondent No.2 – employer within a period of four weeks from today. If such documents are received, respondent No.2 – employer to forward the same to respondent No.1 – Committee and respondent No.1 – Committee shall proceed further with the verification of caste claim of the petitioner in accordance with the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes

(Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance & Verification of) Caste Certificates Act, 2000 (Act No.XXIII of 2001) and complete the same within next one year. If the necessary documents are not so supplied, respondent No.1 - Scrutiny Committee shall be free to pass suitable orders in the matter in accordance with law.

With these directions and keeping all rival contention open, we continue the *interim* order, granted on 28.10.2013, till the orders of the Scrutiny Committee in the matter. The writ petition is disposed of accordingly. However, there shall be no order as to costs.

JUDGE

JUDGE

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