

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

WRIT PETITION NO. 6011 OF 2013

(Ajay Dhirsingh Chauhan vs. The State of Maharashtra thr. Divisional Commissioner, Social Welfare
Department & Ors.)

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

Court's or Judge's orders

**CORAM : B.P. DHARMADHIKARI &
A.S. CHANDURKAR, JJ.
JANUARY 28, 2015.**

Heard Shri Pillai, learned counsel for the petitioner, Shri Rode, learned AGP for respondent Nos. 1 & 3 and Shri Ghurde, learned counsel for respondent No. 2.

The challenge in the present writ petition is to the order dated 28.10.2013, reverting the petitioner on the post of Lower Division Clerk (LDC) on account of failure to submit his caste validity certificate.

The petitioner, who is born on 02.12.1962 claims to belong to Rajput Bhamta – Vimukta Jati. He was appointed as Laboratory Attendant on 08.10.1996. The said appointment was stated to be from open category. Thereafter he was promoted to the post of Lower Division Clerk and subsequently on the post of Senior Clerk. According to Respondent No. 2, though demand for caste certificate and related documents was made for the purposes of verifying the same, the said

documents were not submitted. As a result thereof, his caste claim could not be verified. Hence, the impugned order reverting the petitioner came to be passed.

In the present writ petition, the petitioner has restricted his claim to protection of his services. The said aspect will have to be considered as per the law laid down by Full Bench of this Court in the case of Arun Vishwanath Sonone vs. State of Maharashtra & Ors., 2015 (1) Mh.L.J. 457 (FB). For the purposes of seeking protection of service, it would be necessary to first complete the exercise of verifying the petitioner's caste claim.

Considering the fact that the impugned order has been passed on account of failure to submit the caste validity certificate, the interests of justice would be served if the following order is passed:

1. The petitioner shall submit all necessary documents to Respondent No. 2 to facilitate verification of his caste claim. Such documents shall be submitted within a period of three weeks from today.
2. After such documents are submitted, Respondent No. 2 shall forward the same to Respondent No. 3.
3. The petitioner shall appear before Respondent No. 3 – Committee on 09.03.2015 to facilitate completion of process of verification. The said exercise be completed within a period of eight months from the date of appearance of the petitioner before the

said Committee.

4. The claim for protection of services shall be considered after Respondent No. 3 – Committee completes the exercise of verification.

5. It is stated that the petitioner is presently discharging duties on the reverted post. He shall continue in employment on the said post till the process of verification is completed. Such continuation shall be subject to outcome of the proceedings before Respondent No. 3 – Committee. The contention of the petitioner that his initial appointment and first promotion was from open category is kept open. Similarly, the defence as sought to be raised by Respondent No. 2 is also kept open.

With the aforesaid directions, writ petition stands disposed of. No order as to costs.

JUDGE

JUDGE

*G.S.