

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

WRIT PETITION NO.6244 OF 2013

Shrikant s/o Mukundrao Navlakhke

-vs-

Dr. Panjabrao Deshmukh Krishi Vidyapeeth, Aklola, Thr. Its Registrar & 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.**

DATE : 27.01.2015.

Heard Shri R. S. Parsodkar, Advocate for petitioner, Shri Abhay Sambre, Advocate for respondent Nos. 1 and 2 and Shri K. P. Sadavarte, Advocate for respondent No.3.

The order of reversion passed by respondent Nos. 1 and 2 on 31/10/2011 is questioned by the petitioner on the ground that his caste claim is still under consideration of respondent No.3. Record shows that petitioner has joined employment on 15/03/1990 and was promoted on 26/06/1997. As the petitioner did not submit caste validity and promotion is after 15/06/1995, reversion has been ordered.

Shri Sadavarte, Advocate for respondent No.3 however states that Scrutiny Committee has not received the caste claim of petitioner for verification. Shri Parsodkar, Advocate for the petitioner and also Shri Abhay Sambre, Advocate for respondent Nos.1 and 2 submitted that caste claim is forwarded to respondent No.3 on 22/08/2011. They

are also relying on acknowledgment for said purpose. We do not wish going into this disputed question at this stage. On the strength of copy of acknowledgment handed over by Advocate Shri Sambre to Advocate Shri Sadavarte, the respondent No.3-Committee to find out whether caste papers of petitioner are available with it for verification. However, without prejudice to that exercise and above acknowledgment, we also direct the petitioner to supply copies of documents with him to respondent Nos.1 and 2 within two weeks from today. Respondent Nos.1 and 2 shall within further period of one week transfer those documents to respondent No.3.

Respondent No.3 shall thereafter undertake the verification of caste claim of petitioner in accordance of provisions of Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000-01 i.e. Act No.23 of 2001, and complete it within next six months.

Shri Parsodkar, Advocate for the petitioner, however insisted for quashing and setting aside the reversion order dated 31/10/2011. Shri Sambre, Advocate for respondent Nos.1 and 2 has pointed that petition has been filed on 29/10/2013 i.e. after two years of the said order. Our attention has also been invited to judgment delivered on 06/09/2013 by this Court in W.P.No.6054 of 2012.

The perspective to be adopted is changed after delivery of Full Bench Judgment in case of *Arun Vishwanath Sonone Vs. State of Maharashtra 2015(1) Mh.L.J. 457*.

Issue of protection cannot be looked into unless and until caste claim of the petitioner is verified by the Scrutiny Committee. It is still to be looked into here as the petitioner has approached belatedly. However, learned counsel for the petitioner upon instructions, states that as the students are suffering, petitioner can be restored to his post of Associate Professor and he shall continue to work on that post without claiming any salary and other benefits till further appropriate orders are passed by the Scrutiny Committee or by this Court while considering the contentions of the petitioner.

Advocate Shri Sambre submits that he has no instructions and therefore he cannot comment upon any such request.

Taking over all view of the matter, we direct the petitioner to make appropriate representation within one week from today for said purpose to respondent Nos.1 and 2. If respondent Nos.1 and 2 find it convenient, they can permit petitioner to work as Associate Professor as before from such date on his undertaking that he shall not claim any salary or other benefits till suitable orders are passed by the Scrutiny Committee and/or by this Court. With this liberty and directions, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE