

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

WRIT PETITION NO.491 OF 2015

(Amin Shah Hussain Shah vs. Caste Scrutiny Committee for Social Welfare Department and others)

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

CORAM : B.P. DHARMADHIKARI AND
KUM. INDIRA JAIN, JJ.

DATED : JUNE 29, 2016

On 12/4/2016, this Court has passed the
following order :

Heard Shri V.R. Chaudhari, learned Counsel
for the petitioner, Ms. P.D. Rane, learned AGP
for respondent no.1 and Shri Purohit, learned
Counsel for respondent nos.2 and 3, for some
time.

The question is whether R. & P. of Case
No.2031, in which the validity has been given
to Hamid Shah Hussain Shah, has been
considered by respondent no.1 Committee while
invalidating caste claim of the petitioner.

The learned AGP is seeking time of two
weeks to produce the relevant records and to
file an affidavit, if necessary.

Adjourned accordingly. List the matter
on 26.04.2016.”

Ms. Rane, learned Assistant Government
Pleader for respondent no.1, has produced before this
Court communication dated 22/6/2016 forwarded to

the office of Government Pleader stating that original records of caste verification case of Hamid Shah Hussain Shah are being traced out. In the said communication, respondent no.1 Committee has expressed readiness and willingness to re-examine the caste claim of petitioner as also caste claim of his brother Hamid Shah Hussain Shah.

Adv. V.R.Chaudhari appearing for petitioner is stated to be not available. Similarly, Adv. S.V. Purohit, who appears for respondent nos.2 and 3, is occupied elsewhere.

We find that on 2/2/2015, this Court has granted ad interim relief and protected employment of petitioner.

Hamid Shah Hussain Shah is not party before this Court. As such, this Court cannot permit respondent no.1 Committee to re-open validity given to him.

However, as respondent no.1 Committee is ready and willing to re-examine case of present petitioner, impugned order dated 14.10.2014/ 5.1.2015 is quashed and set aside. Respondent no.1 Committee is permitted to re-verify caste claim of petitioner in accordance with law in next one year. The petitioner shall appear before Committee on 19/7/2016 and abide by its further instructions in the

matter.

Needless to mention that employment of petitioner cannot be dispensed with during pendency of proceedings before Caste Scrutiny Committee.

The writ petition is thus partly allowed and disposed of. No costs.

JUDGE

JUDGE

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