

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

WRIT PETITION NO.537 OF 2015

Natthu s/o Pachusingh Padwal

-vs-

State of Maharashtra, Thr. The Ministry of Social Welfare and Social Justice Dept.
Mumbai and ors.

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

Court's or Judge's Orders.

Shri N. Phadnis, counsel for the petitioner.
Shri Dharmadhikari, AGP for respondent No.1.

**CORAM : SMT. VASANTI A. NAIK &
A.S.CHANDURKAR, JJ.**

DATE : 18.01.2016

By this petition, the petitioner seeks a direction to the respondent No.4 Scrutiny Committee to decide the caste claim of the petitioner within a time frame. The petitioner seeks a direction to the respondent Nos.2 and 3 to protect the services of the petitioner till his caste claim is decided.

According to the petitioner, though the caste claim of the petitioner is pending before the respondent No.4 Scrutiny Committee, the respondent Nos.2 and 3 have issued a notice of intended termination dated 24/01/2015 for the failure on the part of the petitioner to produce the caste validity certificate. It is stated that in the circumstances of the case, a direction to the Scrutiny Committee to decide the caste claim within a time frame is necessary and the services of the petitioner should be protected till his caste claim is decided.

Since none was appearing on behalf of the respondent No.4 Scrutiny Committee, which falls within the jurisdiction of the Aurangabad bench, we had asked the learned Assistant Government Pleader to seek instructions from the Aurangabad Committee whether the caste claim of the petitioner is pending.

Shri Dharmadhikari, the learned Assistant Government Pleader appearing on behalf of the respondent No.1 states on instructions from the respondent No.4 that the caste claim of the petitioner is pending before the Aurangabad Committee and the same would be decided as early as possible.

In view of the statement made by the learned Assistant Government Pleader on instructions, we dispose of the writ petition with a direction to the respondent No.4 Scrutiny Committee to decide the caste claim of the petitioner as early as possible and positively within a period of fifteen months from the date of appearance of the petitioner before the respondent No.4 Committee. The petitioner undertakes to appear before the respondent No.4 Committee on 03/02/2016 so that issuance of notice to the petitioner could be dispensed with.

Since the petitioner is not at fault in not producing the caste validity certificate, the services of the petitioner are protected till his caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE