

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

WRIT PETITION NO. 2297 OF 2016

Ku. Vandana Nilkanthrao Chikhatkar (Sau. Vandana Nashikrao Mate)

-vs-

Chief Executive Officer, Zilla Parishad & another

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

Court's or Judge's Orders.

 Mr. S.R.Narnaware, counsel for the petitioner.
 Mr. A.M.Sudame, counsel for the respondent No.1.
 Mr. S.M.Ghodeswar, AGP for the respondent No.2.

CORAM : SMT. VASANTI A. NAIK &
MRS. SWAPNA JOSHI, JJ.

DATE : 20.06.2016.

By this writ petition, the petitioner seeks a direction against the respondent No.1-Zilla Parishad for reinstating the petitioner in service and for protecting her services in view of the judgment of the Full Bench, reported in **2015 (1) Mh.L.J. 457 (Arun Sonone v. State of Maharashtra)**.

The petitioner was appointed by the respondent No.1-Zilla Parishad on 19/08/1994 as an Assistant Teacher on a post earmarked for the Scheduled Tribes. The petitioner continued to work with the Zilla Parishad for a period of eleven years when her services were terminated. The respondent No.1-Zilla Parishad had terminated the services of the petitioner, as she had failed to submit the caste validity certificate, though she was appointed on a post earmarked for the Scheduled Tribe. The petitioner had challenged the order of termination, but without success. In view of the judgment of the Full Bench, reported in **2015 (1) Mh.L.J. 457** the petitioner has sought the protection of her services, after reinstatement.

Shri A.M.Sudame, the learned counsel for the respondent No.1-Zilla Parishad, states that the petitioner was not cooperating with the respondent No.1-Zilla Parishad and was not furnishing the necessary documents in support of her caste claim for referring the

same to the Scrutiny Committee, for verification. It is stated that in view of the aforesaid conduct on the part of the petitioner, the respondent No.1-Zilla Parishad had no other course open but to terminate the services of the petitioner. It is stated that the petitioner had not submitted the caste certificate and the other documents in the proper proper form for tendering the same before the Scrutiny Committee. It is stated that since the caste claim of the petitioner is not yet verified by the Scrutiny Committee, the petitioner cannot seek the protection of the services, in view of the judgment rendered by the Full Bench.

Since the caste claim of the petitioner is not yet verified, in the interest of justice, it would be necessary to permit the petitioner to submit the caste certificate and the necessary documents in the proper format to the respondent No.1-Zilla Parishad within a period of one month, so that the Zilla Parishad could be directed to submit the same to the Scrutiny Committee for verification of her caste claim. The petitioner would be free to approach this Court to seek the protection of services, if the Scrutiny Committee invalidates the caste claim of the petitioner without making any adverse observation against her.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The respondent No.1-Zilla Parishad is directed to submit the caste claim of the petitioner to the respondent No.2-Scrutiny Committee within a period of one month from the date of receipt of the same from the petitioner, for verification. The respondent No.2-Scrutiny Committee is directed to decide the caste claim of the petitioner as early as possible and positively within a period of one year from the date of receipt of the same from the respondent No.1-Zilla Parishad, as the petitioner is out of service.

Order accordingly. No costs.

JUDGE

JUDGE