

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

WRIT PETITION NO.2558 OF 2016

[Prabhakar s/o Sangappa Hawa .vs. Secretary Shiwaji Education Society, Amravati, Tahsil and District-
Amravati and others]

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

Court's or Judge's orders

Shri M.V. Bute, counsel for the petitioner,
Shri P.B. Patil, counsel for respondent nos.1 and 3,
Ms. R.V. Kaliya, A.G.P. for respondent no.2.

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

DATED : JULY 08, 2016.

By this writ petition, the petitioner challenges the order of his termination, in view of the judgment of the Full Bench, reported in 2015 (1) Mh.L.J. 457 (Arun s/o Vishwanath Sonone .vs. State of Maharashtra and others) and seeks a direction against the Scrutiny Committee to decide his caste claim.

The petitioner was appointed as an Assistant Teacher in the respondent-Education Society in the year 1988 on a post earmarked for the scheduled castes. The petitioner claims to belong to Lingder Scheduled caste. Since the petitioner showed his inability to produce the caste validity certificate, the respondent - Institution terminated the services of the petitioner, by the order dated 27.3.2015. In view of the judgment of the Full Bench, the petitioner has challenged the impugned order and has sought permission to tender his caste claim to the Scrutiny Committee for verification.

It is stated on behalf of the petitioner that the caste claim of the petitioner is not yet verified by the Scrutiny Committee and the petitioner is willing to refer the same to the Scrutiny Committee. It is stated that since the petitioner was appointed

much before the cut off date in the year 1988, the services of the petitioner are required to be protected, in view of the judgment of the Full Bench. It is stated that a direction be issued, in the circumstances of the case, to the respondent-management to submit the caste claim of the petitioner to the respondent-Scrutiny Committee with a time frame, so that the same could be decided and the petitioner could be reinstated, in view of the Full Bench judgment, if the conditions are satisfied.

Shri Patil, the learned counsel for the respondent – management states that the services of the petitioner were terminated as he showed his inability to produce the caste validity certificate. It is stated that an appropriate order may be passed in the circumstances of the case.

On hearing the learned counsel for the parties and on a perusal of the judgment of the Full Bench, it appears that the relief sought by the petitioner needs to be granted. It appears that it would be necessary to direct the management to refer the caste claim of the petitioner to the Scrutiny Committee for verification. The petitioner had worked with the respondent for nearly 27 years and the services of the petitioner were terminated only because he had shown his inability to produce the caste validity certificate. In view of the law laid down by the Full Bench, it would be necessary to direct the respondent – management to submit the caste claim of the petitioner to the Scrutiny Committee for verification. It would also be necessary to direct the Scrutiny Committee to decide the caste claim of the petitioner within a time frame.

Hence, for the reasons aforesaid, the writ petition is partly allowed. The petitioner is directed to tender the caste claim of the petitioner in proper form to the respondent nos.1 and 3 within a period of six weeks and the respondent nos.1 and 3 are directed to refer the same to the respondent no.2-Scrutiny

Committee for verification, within a period of four weeks from the receipt of the same. The respondent no.2-Scrutiny Committee is directed to decide the caste claim of the petitioner within a period of one year from the receipt of the caste claim. The petitioner would be free to take up appropriate proceedings for his reinstatement-protection, if the conditions mentioned in the judgment of the Full Bench stand satisfied. Order accordingly. No costs.

JUDGE

JUDGE

Gulande