

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

WRIT PETITION NO.3025/2015

Ku. Indu d/o Indrajeet Singh

...Versus...

Scrutiny Committee for Scheduled Caste and Scheduled Tribe, Amravati,
through its Joint Director/Vice President and another

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

Court's or Judge's orders

Shri N.R. Saboo, Advocate for petitioner
Shri I.J. Damle, AGP for respondent no.1

CORAM : SMT. VASANTI A NAIK AND
KUM. INDIRA JAIN, JJ.

DATE : 20.10.2016

By this petition, the petitioner challenges the notice of termination dated 9.5.2015, proposing to terminate the services of the petitioner as a Physical Education Teacher on the ground that the petitioner has failed to produce the caste validity certificate. The petitioner seeks a direction against the respondent no.1 - Scrutiny Committee to verify the caste claim of the petitioner. The petitioner seeks a direction against the respondent no.2 - Management to submit the caste claim of the petitioner to the Scrutiny Committee for verification.

Shri Saboo, the learned Counsel for the petitioner states that though the petitioner has submitted the original caste certificate to the respondent no.2 – Management, for submitting

the same to the Scrutiny Committee for verification, the Management has not submitted the caste claim of the petitioner to the Scrutiny Committee for verification on the ground that the petitioner has not tendered any revenue documents in support of her caste claim. It is stated that it would not be for the Management to ask the petitioner to submit the revenue documents. It is stated that the petitioner has submitted the caste claim in the proper format along with the necessary documents and a direction may be issued against the Management to submit the caste claim of the petitioner to the Scrutiny Committee for verification.

Shri Damle, the learned Assistant Government Pleader appearing for the Scrutiny Committee states, on instructions, that the Scrutiny Committee has received the caste claim of the petitioner directly from her. It is stated that it would be necessary for the Management to submit the caste claim of the petitioner to the Scrutiny committee for verification. It is stated that since the last year it is necessary for the Management to submit the caste claim of its employees, online. It is stated that if the Management sends the caste claim of the petitioner to the Scrutiny Committee for verification, the Scrutiny Committee would decide the same as early as possible.

Despite the service of the notice of the writ petition on the respondent no.2 - Management, none appears on behalf of the Management.

Since the only prayer made by the petitioner against the Management is to submit the caste claim of the petitioner to the Scrutiny Committee and to protect her services till her caste claim is decided, it would be necessary to direct the Management

to submit the caste claim of the petitioner to the Scrutiny Committee for verification. We find from the documents annexed to the writ petition that the only reason for not submitting the caste claim of the petitioner to the Scrutiny Committee is that the petitioner has not tendered the revenue documents. We find that it would not be for the respondent no.2 to ask the petitioner to submit the revenue documents. If the petitioner has tendered the original caste certificate and the application in the proper form along with the necessary documents, it would be necessary for the Management to submit the caste claim of the petitioner to the Scrutiny committee for verification.

Hence, for the reasons aforesaid, we partly allow the writ petition. The respondent no.2 is directed to submit the caste claim of the petitioner to the respondent no.1 – Scrutiny Committee within one month. If the caste claim submitted by the petitioner is not in the proper form, the petitioner may submit the proper application – claim to the respondent no.2 at the earliest. If the petitioner fails to submit the caste claim in the necessary form to the respondent no.2 within two months, the respondent no.2 is free to take appropriate action against the petitioner. The respondent no.2 should submit the caste claim of the petitioner, if it is in the proper form to the Scrutiny Committee within one month and if it is not, the respondent no.2 should submit the caste claim of the petitioner to the Scrutiny Committee for verification within one month from the date on which the deficiencies are cured. Since the caste claim of the petitioner is not yet referred to the Scrutiny Committee, we protect the services of the petitioner, till her caste claim is decided. We direct the Scrutiny Committee to decide the caste

claim of the petitioner, as early as possible and within eighteen months from the date of the receipt of the same.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar