

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

WRIT PETITION NO.5597 OF 2013

(Mangala Shankarrao Sonwane vs. The Zilla Parishad, Gondia and others)

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

Shri M.G. Burde, Advocate for petitioner.

Shri A.Y. Kapgate, Advocate for respondent nos.1
and 2.

Ms. H.N. Prabhu, Assistant Government Pleader for
respondent nos.3 and 4.

CORAM : B.P. DHARMADHIKARI AND
P.N. DESHMUKH, JJ.

DATED : MARCH 30, 2016

Civil Application No.614/2016 is taken up
for early hearing.

It appears that earlier petitioner had filed
Writ Petition No. 351/2011 contending that her caste
claim was under verification since 2003. This Court,
therefore, expedited its consideration.

However, it appears that caste claim of
petitioner was already invalidated on 12/8/2004, but
neither petitioner nor her employer was aware of it. As
the caste validity was not submitted, services of petitioner
were terminated on 15/11/2010 itself.

In this situation, petitioner has questioned
that order of termination in the present petition filed on
7/10/2013. It is pointed out that petitioner was permitted

to make a representation and accordingly representation has been made to employer and that representation is still pending.

Adv. Kapgate, who appears for employer, submits that representation was made by the petitioner to Caste Scrutiny Committee only.

We do not wish to go into merits of the controversy. The controversy is squarely covered by the judgment of Full Bench of this Court in **Arun s/o Vishwanath Sonone vs. State of Maharashtra and others** (2015 (1) Mh.L.J. 457). If petitioner is entitled to protection of employment, the same needs to be looked into in accordance with law laid down therein. The petitioner has joined employment on 25/2/2003 and put in about 8 years of service before her termination.

In this situation, without observing anything on merits of the controversy, we direct petitioner to make an appropriate representation within a period of six weeks from today to employer. If such representation is made, employer shall look into it within next three months independently and uninfluenced by these observations.

With these directions and keeping all rival contentions open, we dispose of the petition. No costs.

JUDGE

JUDGE

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