

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

WRIT PETITION NO.5859 OF 2015

(Pawankumar Pandurang Wagh vs. Scheduled Tribes Caste Scrutiny Committee and another)

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

Shri R.S. Parsodkar, Advocate for petitioner.

Shri A.S. Fulzele, Additional Government Pleader for
respondent no.1.

Shri S.V. Purohit, Advocate for respondent no.2.

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

DATED : AUGUST 26, 2016

By this writ petition, the petitioner seeks a direction against the respondent Scrutiny Committee to decide his caste claim within a time frame. The petitioner also challenges the order of his termination passed by the respondent no.2, dated 14/10/2015.

According to petitioner, he was appointed by the respondent no.2 for a period of three years as per the advertisement issued by the respondent no.2, on the post of Accounts Assistant. It is stated on behalf of the petitioner that the petitioner was required to produce the caste validity certificate within three years. It is submitted that the petitioner is not at fault in not producing the caste validity certificate as the Scrutiny Committee has not decided his caste claim and the same is pending since 2014. It is also stated that the respondent no.2 could not have terminated the services

of the petitioner for non production of caste validity certificate and a direction may be issued against the respondent no.2 to reinstate the petitioner in service and continue his service till his caste claim is decided.

Shri Fulzele, learned Additional Government Pleader appearing on behalf of respondent no.1 Scrutiny Committee, states that the caste claim of the petitioner is pending before the Scrutiny Committee and the Scrutiny Committee would require at least a year's time to decide the caste claim. It is submitted that though a vigilance enquiry was conducted in the matter of the caste claim of the petitioner, the Scrutiny Committee has directed a fresh vigilance enquiry.

Shri Purohit, learned Counsel for the respondent no.2, states that the contractual period of three years of service expired before the petitioner approached this Court by filing the writ petition. It is, however, fairly stated on behalf of respondent no.2 that if a caste validity certificate is secured by the petitioner, the respondent no.2 may consider appointing him and regularise his service. It is further stated that after the petitioner secures a caste validity certificate, his case would be submitted to the concerned Committee for regularisation.

In view of the statements recorded hereinabove, we direct the Scrutiny Committee to decide the caste claim of the petitioner within one year. The petitioner undertakes to appear before the Scrutiny Committee on 8/9/2016 so that issuance of notice to the petitioner could be dispensed with.

Since petitioner does not possess the caste validity certificate and he was granted considerable time of three years to produce the same and the contractual period of service of three years had expired before filing of the writ petition, we are not inclined to direct the respondent no.2 to continue the petitioner in service till his caste claim is decided. We have, however, accepted the statement made on behalf of respondent no.2 that the respondent no.2 would consider regularising the services of the petitioner as soon as he secures a caste validity certificate. The said statement would be binding on the respondent no.2.

With the aforesaid observations and directions, we dispose of the writ petition with no order as to costs.

JUDGE

JUDGE

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CERTIFICATE

I certify that this order uploaded is a true
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Kamal H. Jeswani
Private Secretary

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29/08/2016