

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 5999/2016

(SMT.PADMA ASHOK WARDEKAR (PADMA MANIKRAO WANKHEDE) **VERSUS** THE C.E.O., Z.P.
WASHIM & OTHERS)

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

Court's or Judge's orders

Shri R.S. Parsodkar, counsel for the petitioner.
Shri A.S. Fulzele, Additional Government Pleader for the R-2.

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

DATE : DECEMBER 16, 2016.

By this writ petition, the petitioner seeks a direction against the scrutiny committee to decide the caste claim of the petitioner.

The petitioner had earlier claimed to belong to Kanjar Bhat Vimukta Jati and the caste claim of the petitioner was referred by the management of the school to the scrutiny committee for verification. On a perusal of the caste claim, the scrutiny committee realized that the caste certificate was not in proper form and, hence, the same was returned. After the caste certificate of the petitioner was returned by the committee, the petitioner sought a caste certificate of belonging to Bhat caste, which falls in the other backward classes. The petitioner submitted the same to the scrutiny committee for verification. The scrutiny committee has, however, refused to verify the same on the ground that the petitioner was appointed on a post that was earmarked for the Vimukta Jatis and the petitioner cannot seek the verification of his claim of belonging to Bhat caste, which falls in the other backward classes.

It is not within the authority or domain of the scrutiny committee to refuse to verify the caste claim of a claimant on the ground that he is appointed on a post reserved for some other category and the caste certificate sought to be produced by him for verification is not of the said category on which he was appointed. The scrutiny committee would have jurisdiction only to consider whether the claim is in the proper form and verify and decide the claim. It is not within the authority of the scrutiny committee to consider what benefits the claimant has sought or is seeking on the basis of his claim and it would only be necessary for the scrutiny committee to verify and decide the claim that is submitted to the scrutiny committee. Since the action on the part of the committee in refusing to decide the claim of the petitioner of belonging to Bhat caste which falls in the other backward classes, solely on the ground that the petitioner has secured the employment on the post earmarked for Vimukta Jatis is bad in law, the same is liable to be set aside.

Hence, for the reasons aforesaid, the writ petition is allowed. It is held that the scrutiny committee was not justified in refusing to verify the caste claim of the petitioner of belonging to Bhat caste, which falls in the other backward classes. The petitioner is directed to re-submit his caste claim to the scrutiny committee within one month. The scrutiny committee is directed to decide the caste claim of the petitioner within one year. The services of the petitioner are protected till his caste claim is decided. If the petitioner fails to submit his caste claim to the scrutiny committee within one month, for verification, the respondent-Corporation would be free to take appropriate action against the petitioner.

Order accordingly. No costs.

JUDGE

JUDGE

APTE