

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

WRIT PETITION NO.6183 OF 2016

[Shahnez Jabeen Mohammad Zama .vs. Akola Municipal Corporation 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 Ram Karode, Advocate for the petitioner,
Shri Anjan De, Advocate for the respondent nos.1 and 2,
Shri A.M. Joshi, A.G.P. for the respondent no.3.

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

DATED : DECEMBER 14, 2016.

By this writ petition, the petitioner has sought a direction against the scrutiny committee to decide the caste claim of the petitioner within a time frame. The petitioner has also challenged the order of her reversion dated 13.10.2016.

Though this court had issued notice to the respondents by the order dated 21.10.2016, there was no stay to the order of reversion.

Shri De, the learned counsel for the Corporation makes a statement that the post of Headmistress/Headmaster would not be filled, till the caste claim of the petitioner is decided. It is stated that since the petitioner already stands reverted from the post of Headmistress and is working as an Assistant Teacher, a direction may be issued to the scrutiny committee to decide the caste claim, at the earliest, as the respondent-Corporation would not fill the post of Headmistress/Headmaster, till the petitioner's caste claim is decided.

Shri Joshi, the learned Assistant Government Pleader appearing on behalf of the scrutiny committee states that the papers pertaining to the caste claim of the petitioner are not

traceable in the office of the scrutiny committee and if the petitioner submits the caste claim in the proper form to the respondent-scrutiny committee, the scrutiny committee would decide the same within a reasonable time.

In view of the statements recorded hereinabove, we dispose of the writ petition, with a direction to the petitioner to resubmit her caste claim in the proper form to the respondent-Corporation positively within one month. If the caste claim is so submitted, the Municipal Corporation is directed to submit the same to the respondent-scrutiny committee for verification within fifteen days from the receipt of the same. The scrutiny committee is directed to decide the caste claim of the petitioner within one year from the receipt of the caste claim. The Corporation should take appropriate action in the matter of reinstating the petitioner on the post of Headmistress, if the caste claim of the petitioner is validated. Order accordingly. No costs.

JUDGE

JUDGE