

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

WRIT PETITION NO.6182 OF 2016

[Aqueel Ahmad Sheikh Mastan .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 P.C. Madkholkar, Advocate a/w Shri Ram Karode, Advocate for the petitioner,
Shri Anjan De, Advocate for respondent nos.1 and 2,
Shri A.M. Joshi, Assistant Government Pleader for respondent no.3.

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

DATED : DECEMBER 08, 2016.

By this writ petition, the petitioner has sought a declaration that the respondents cannot ask the petitioner to submit the caste validity certificate of belonging to Khatik Scheduled Caste, as initially, when the petitioner was appointed, Khatik caste was included in the Scheduled Caste, but now it is included in the list of Other Backward Classes.

It is submitted that though the petitioner had submitted the caste certificate and the other necessary documents to the respondent-Corporation for forwarding them to the Scrutiny Committee for verification, his caste claim is returned by the Scrutiny Committee to the Corporation on the ground that it is not in proper form and some documents are not annexed to the caste claim. It is stated that the petitioner is illegally reverted from the post of Headmaster on the ground that the petitioner has not submitted the caste validity certificate. It is stated that the petitioner was not at fault in securing his appointment on the post of Assistant Teacher on a claim that he belongs to the Scheduled Castes, as at the relevant time, Khatik caste was included in the Scheduled Castes.

Shri Anjan De, the learned counsel for the respondent- nos.1 and 2-Municipal Corporation, states that if the petitioner submits the caste certificate and the other relevant documents in the proper form to the Municipal Corporation within a time frame, the caste claim of the petitioner would be submitted by the Municipal Corporation to the scrutiny committee. It is stated that the petitioner should at least prove that he belongs to Khatik caste, so that the Municipal Corporation would consider, whether the petitioner would be entitled to retain his promotional benefits or not. It is stated that a regular Headmaster is not appointed on the post on which the petitioner was working and till the caste claim of the petitioner is decided, the appointment of a regular Headmaster would not be made.

Shri Joshi, the learned Assistant Government Pleader for the scrutiny committee, states that if the caste claim of the petitioner is referred to the scrutiny committee for verification, the same would be decided as early as possible.

In view of the statements recorded hereinabove, the writ petition is disposed of with a direction to the petitioner to submit his caste claim in the proper form to the respondent-Municipal Corporation, positively within one month. If the caste claim is so submitted, the respondent-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 claim. The Corporation should take appropriate action in the case of the petitioner, in case his claim of belonging Khatik caste is validated. Order accordingly. No costs.

JUDGE

JUDGE