

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

WRIT PETITION NO.6435 OF 2016

[Arvind s/o Gopalrao Shinde .vs. Maharashtra State Power Generation Company Limited 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 A.C. Dharmadhikari, counsel for the petitioner,
Shri R.E. Moharir, counsel for respondent nos.1 and 2,
Ms. Tajwar Khan, AGP for respondent no.3,

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

DATED : NOVEMBER 30, 2016.

By this writ petition, the petitioner has sought the protection of his services on the post of Lower Division Clerk as the petitioner was appointed before the cut off date in the year 1991 on a post earmarked for the Vimukta Jatis.

Ms. T. Khan, the learned Assistant Government Pleader for the respondent no.3, states that the petitioner would not be entitled to protection in view of the judgment of the full bench, as the caste claim of the petitioner is not decided by the Scrutiny Committee. It is stated that only after the verification of the caste claim, the services of an employee appointed before the cut off date, could be protected, if there is no observation in the order of the Scrutiny Committee that the employee has fraudulently secured the benefits meant for the caste/tribe to which he claimed to belong. It is stated that it would be necessary for the petitioner to get his caste claim verified from the Scrutiny Committee before seeking protection.

On a reading of the judgment of the full bench, we find that the services of the petitioner cannot be protected, till he gets his caste claim verified from the Scrutiny Committee. Hence, in

the interest of justice, we dispose of the writ petition with a direction against the respondent nos.1 and 2 to submit the caste claim of the petitioner to the respondent no.3-Scrutiny Committee for verification within two months. The petitioner should submit the caste claim in the proper form to the respondent nos.1 and 2 within one month. If the petitioner fails to submit the caste claim to the respondent nos.1 and 2 in the proper form within the time frame, the respondent nos.1 and 2 are free to take appropriate action against the petitioner. The respondent no.3-Scrutiny Committee is directed to decide the caste claim of the petitioner within fifteen months from the receipt of the same from the respondent nos.1 and 2. The services of the petitioner are protected, till his caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE