

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

WRIT PETITION NO.6844 OF 2016

[Tirupati s/o Vyankati Sarlawar .vs. Zilla Parishad, Gadchiroli 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 N.C. Phadnis, Advocate for the petitioner,  
Shri Ashish Paunikar, Advocate for respondent nos.1 and 4,  
Shri I.J. Damle, AGP for respondent nos.2 and 3.

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

DATED : DECEMBER 15, 2016.

The only prayer made by the petitioner in the instant petition is for a direction against the scrutiny committee to decide the caste claim of the petitioner within a stipulated time and a direction against the respondent no.1-Zilla Parishad to protect his services, till his caste claim is decided.

It is stated on behalf of the petitioner that though the caste claim of the petitioner is pending and this court had directed the respondent no.1-Zilla Parishad to protect the services of the petitioner, till his caste claim is decided, by the order dated 20.3.2015 in Writ Petition No.1176/2001, the Zilla Parishad has again issued a notice of proposed termination.

Shri Damle, the learned Assistant Government Pleader appearing on behalf of the scrutiny committee states on instructions that the caste claim of the petitioner is now pending before the Gadchiroli Committee and the petitioner is not attending the hearings.

Shri Phadnis, the learned counsel for the petitioner disputes the said fact but states that the petitioner would remain present on all the subsequent dates of hearing.

We are surprised that the respondent no.1-Zilla Parishad again issued a notice of proposed termination, though we had clearly directed the respondent no.1-Zilla Parishad to protect the services of the petitioner, till his caste claim is decided. We had directed the scrutiny committee to decide the caste claim of the petitioner within a time frame and a specific direction was issued against the respondent no.1-Zilla Parishad that it should protect the services of the petitioner, till his caste claim is decided. Even if the caste claim of the petitioner was not decided, as per the directions of this court, the respondent no.1-Zilla Parishad could not have taken any adverse action against the petitioner, till his caste claim is pending.

In the circumstances of the case, we dispose of the writ petition, with a direction to the respondent no.3-Scrutiny Committee, Gadchiroli to decide the caste claim of the petitioner within one year from the date of appearance of the petitioner before the scrutiny committee. We are granting sufficient time to the Gadchiroli Committee to decide the caste claim as in the previous writ petition direction to decide the caste claim was issued against the Nagpur Scrutiny Committee. The petitioner undertakes to appear before the scrutiny committee on 29.12.2016. The services of the petitioner are protected till his caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE