

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6871 OF 2014

Shri Shivkumar S/o Kalyanrao Nalegaonkar .. Petitioner

VS.

The State of Maharashtra and others .. Respondents

Mr. S.C. Yeramwar, Advocate i/b. Mr. V.U. Jadhav, Advocate for the petitioner

Mr. S.B. Yawalkar, A.G.P. for the respondent/State

Mr. A.J. Deshpande, Advocate i/b Mr. V.D. Gunale, Advocate for respondent no. 3 and 4

**CORAM : S.C. DHARMADHIKARI &
MANGESH S. PATIL, JJ.**

DATE : 20-06-2017

ORAL ORDER :

1. The only relief that is claimed in this Petition is that of a direction to the Scrutiny Committee to expedite the proceedings pending before it.

2. The petitioner obtained an employment against the reserved seat way back in the year 1996, however, the employment is continuing and considering the language of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of

Issuance of Verification of) Caste Certificate Act, 2000 (Act 23 of 2001), the petitioner's employer is insisting that he cannot continue the petitioner in employment unless he produces a certificate of validity which certifies him and belonging to 'Mala Jangam' – Scheduled Caste.

3. The claim of the petitioner is pending with the Scrutiny Committee but no order has been passed till date.

4. In the light of the fact that the only relief prayed is of direction to the Scrutiny Committee to expedite the proceedings before it and till then, protect the employment of the petitioner, we direct that the Scrutiny Committee shall scrutinize and verify the claim of the petitioner in accordance with law as expeditiously as possible and render its decision within a period of six (6) months from today. We direct that the petitioner's services shall not be terminated only on the ground of non-production of the caste validity certificate.

5. We clarify that we have expressed no opinion on the merits of the contentions and the claim of the petitioner.

6. Writ Petition is disposed of.

[MANGESH S. PATIL]
JUDGE

[S.C. DHARMADHIKARI]
JUDGE

arp/