

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

WRIT PETITION NO.4963/2009

Ku. Nalini Damodhar Deshmukh ..vs.. Ku. Pushpa Bapurao Selukar & Ors.

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Shri A. Z. Jibhkate, Advocate for petitioner.
Shri N. C. Phadnis, Advocate for respondent no.1.
Shri A. Joshi, A.G.P. for respondent nos. 2 & 3.

CORAM : SMT. VASANTI A NAIK AND

V.M. DESHPANDE, JJ.

DATED : FEBRUARY 28, 2017

By this writ petition, petitioner challenges the validity certificate issued by the Caste Scrutiny Committee in favour of the respondent no.1.

According to the petitioner, though the respondent no.1 does not belong to the Nomadic Tribes, she had wrongly claimed to belong to "Gadilohar" caste which is included in the Nomadic Tribes. It is stated that the post on which the petitioner was initially appointed, was earmarked for the Nomadic Tribes and since the respondent no.1 has falsely claimed that she belongs to the Nomadic Tribes, her appointment was improper. It is submitted that the Scrutiny Committee was not justified in granting the caste validity certificate in favour of the respondent no.1.

We are afraid, that the petitioner would not have a locus standi to file the writ petition. Admittedly, the post on which the respondent no.1 is appointed was earmarked

for the Nomadic Tribes. The petitioner claims to belong to the Other Backward Classes. If the petitioner belongs to the Other Backward Classes, she could not claim the appointment to the post of Assistant Teacher that was earmarked for the Nomadic Tribes. If the petitioner belongs to the Other Backward Classes, she cannot have a locus standi to challenge the caste validity certificate granted in favour of the respondent no.1 that she belongs to the Nomadic Tribe. The petitioner has challenged her termination order before the School Tribunal and the School tribunal would decide the matter. However, the validity certificate issued in favour of the respondent no.1 cannot be challenged by the petitioner in this petition, especially when the petitioner does not claim to belong to the Nomadic Tribes and claims to belong to the Other Backward Classes.

Hence, the writ petition is dismissed with no order as to costs.

JUDGE

JUDGE

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