

IN THE COURT OF JUDICATURE AT BOMBAYNAGPUR BENCH, NAGPUR**WRIT PETITION NO. 4707/2016**(Vasanta s/o Pandurang Khapekar vs. Joint Commissioner & Vice Chairman, Scrutiny Committee and another)

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

Court's or Judge's order

Mr. S.R. Narnaware, Advocate for petitioner
Mr. Amit Chutke, A.G.P. for respondent no.1
Mrs. Mugdha Chandurkar, Adv. for respondent no.2

**CORAM : B.P. DHARMADHIKARI &
MRS. SWAPNA JOSHI, JJ.**

DATED : 24th January, 2017.

Heard.

2. Appointment of petitioner on 29.11.1990 as Junior Technical Assistant (Chemistry) is not in dispute. The only question is whether the invalidation of caste claim by Scrutiny Committee on 29.7.2016 has any bearing on it.

3. Adv. Narnaware has expressly stated that the petitioner will be satisfied if his employment from 29.11.1990 is protected.

4. Adv. Chandurkar appearing for respondent no.2 has opposed the petition. She submits that petitioner joined the employment initially on 17.3.1987 as a candidate belonging to Scheduled Tribe category, on a reserved post. The invalidation of caste claim therefore affects his service also.

4. Learned A.G.P. appearing for respondent no.1 supports the arguments of Adv. Chandurkar.

5. Reply affidavit filed by respondent no.2 particularly paragraph nos. 4 and 5 thereof, does not show that entry into service as Scheduled Tribe category candidate has got any nexus with his subsequent selection in November 1990 as Junior Technical Assistant (Chem). Perusal of order of appointment dated 29.11.1990 itself reveals severance of earlier service. His fresh appointment order dated 29.11.1990 is in temporary capacity and on probation. As such, the submission that his previous employment and entry has got any bearing on order dated 29.11.1990 is erroneous and misconceived.

6. The invalidation of caste claim therefore does not affect the order of appointment dated 29.11.1990. Hence, with clarification that only because of such invalidation order dated 29.7.2016, the employment provided to petitioner as Junior Technical Assistant (Chem) on 29.11.1990 is not affected, we partly allow the petition and dispose of it. No costs.

JUDGE

JUDGE

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