

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

C.A.W. NO. 63/17 IN WRIT PETITION NO. 1917 OF 2015.

(Ku. Jyoti Keshaorao Khadge .vs. Shri Shiwaji Education Society & others)

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

Court's or Judge's orders

Mr. R.M. Bhangde, Advocate for applicant/petitioner,
Mr. Bhushan Dafle, Advocate for respondent no.1,
Mr. S.M. Ghodeswar, A.G.P. for respondent no.2.

CORAM : B.P. DHARMADHIKARI & KU. INDIRA K. JAIN, JJ.

DATED : SEPTEMBER 1, 2017.

Heard respective Counsel.

Perused Civil Application. Perused directions issued in
Writ Petition No. 1917/15 vide judgment dated 28.6.2016.

It is not in dispute that caste claim submitted by
petitioner has not been accepted by respondent no.3 Committee
on the ground that certificate of caste is not in Form 'C' as required
by Act No. 23 of 2001.

Mr. R.M. Bhangde, learned Advocate for applicant/
petitioner, submits that petitioner joined employment on the basis
of certificate issued to her in Form 'B' in case number as
mentioned thereupon. Hence, the caste of petitioner needs to be
verified with reference to documents contained in that case and
form 'C' is not necessary.

Mr. S.M. Ghodeswar, learned A.G.P. for respondent no.
2, has invited our attention to orders dated 16.6.2016 in Writ

Petition No. 2216/16 to urge that there this Court has specifically directed issuance of certificate only in Form 'C'. Perusal of order dated 16.6.2016 in Writ Petition No. 2216/16 reveals that the direction was to issue certificate in Form 'C' henceforth, i.e. after 16.6.2016.

In Writ Petition No. 1917/15 caste certificate issued to petitioner therein on 2.2.2000 was directed to be verified. Verification of that caste certificate is essential because it is on the basis of that certificate that petitioner has claimed status as belonging to particular caste and accepting it, she has been provided employment.

The form of certificate may also not be decisive because ultimately the Act requires verification through vigilance cell, holding of enquiry and burden is cast upon petitioner to substantiate the same. Hence, the material is to be made available in support of the caste certificate.

In this situation, we find that insistence that petitioner must produce caste certificate in Form 'C' is unwarranted. We direct the respondent No.3 Committee to accept certificate in Form 'B' as is available with petitioner and to proceed to verify it as per directions contained in judgment of this Court dated 28.6.2016. Period of one year mentioned therein shall begin to run after two weeks. We direct the petitioner to submit that certificate and necessary documents to respondent no.3 within two weeks.

Accordingly, Civil Application is disposed of. No costs.

Judge

Judge

J.