

FARAD CONTINUATION SHEET No.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 781/2017

(SHAIKH JAEED SHAIKH AJAMATULLA **VERSUS** DIVISIONAL CASTE CERTIFICATE SCRUTINY
 COMMITTEE, NAGPUR DIVISION, CHANDRAPUR & OTHERS)

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

Court's or Judge's orders

Shri Anand Parchure a/w Shri Sachin Khandekar, counsel for the petitioner.
 Shri I.J. Damle, A.G.P. for respondent nos.1 and 2,
 Shri D.J. Deshpande, counsel for respondent no.3.

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

DATE : APRIL 03, 2018.

By this writ petition, the petitioner seeks a declaration that the petitioner is appointed on a post meant for the open category and not on a post reserved for the Vimukta Jatis.

It is the case of the petitioner that though the petitioner had claimed to belong to Chhapparband caste which falls in the Vimukta Jatis, his appointment was made on a post meant for open category. Certain documents are relied on by the petitioner in support of his claim. In the alternative, the petitioner has sought a direction against the scrutiny committee to decide his caste claim within a time frame.

Shri Damle, the learned Assistant Government Pleader appearing for the respondent nos.1 and 2 and Shri Deshpande, the learned counsel for the respondent no.3-Management state that the petitioner was appointed on a post meant for the Vimukta Jatis. Certain documents are placed by the concerned respondents along with their affidavits-in-reply to substantiate their submission that the appointment of the petitioner was not on a post meant for the

open category but was on a post meant for the Vimukta Jatis.

Shri Parchure, the learned counsel for the petitioner, states that if this Court is of the view that the petitioner was appointed on a post meant for the Vimukta Jatis, the direction may be issued to the scrutiny committee to decide the caste claim of the petitioner within a time frame and the services of the petitioner may be protected till his caste claim is decided.

Shri Damle, the learned Assistant Government Pleader appearing for the scrutiny committee states on instructions that the caste claim of the petitioner is pending before the scrutiny committee and the same could be decided as early as possible.

We are not inclined to hold that the petitioner was appointed on a post meant for the open category as it appears from the documents annexed to the affidavits-in-reply filed on behalf of the respondent nos.1 and 2 that the petitioner was appointed on a post earmarked for the Vimukta Jatis. However, since the petitioner is ready to get his caste claim verified, it would be necessary to issue a direction against the scrutiny committee to decide the caste claim of the petitioner within a time frame. It would be necessary to protect the services of the petitioner till his caste claim is decided.

In view of the aforesaid, we dispose of the writ petition with a direction against the scrutiny committee to decide the caste claim of the petitioner as early as possible. We direct the respondent-management to protect the services of the petitioner till his caste claim is decided. Order accordingly. No costs.

JUDGE

JUDGE