

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.9869 OF 2015

Reshma Mahadeo Marathe and Anr. ... Petitioners
versus
State of Maharashtra and Ors. ... Respondents

Mr.Sushant C. Yeramwar for the
Petitioners.

Mr.B.V.Samant, AGP for State.

CORAM :- S. C. DHARMADHIKARI &
R.I.CHAGLA, JJ.

DATE :- NOVEMBER 21, 2019

P.C. :-

1. The petitioner in this petition has challenged an order passed by the Scrutiny Committee, copy of which is at Exhibit 'A' to the petition. That is a common order passed on 8th December, 2009, but challenged in this petition filed on 26th August, 2015. The averments are that such an order, though made, has in fact not been communicated in time. The Committee has no proof that it has been promptly and immediately communicated to the petitioners.

2. In the circumstances and when the petitioners have also filed an additional affidavit in this petition seeking to bring on record materials, which have escaped the attention of the

Scrutiny Committee, we quash and set aside the impugned order without expressing any opinion on the rival contentions. The learned AGP has no-objection to this course. He has also no-objection to the matter being sent back to the Committee for fresh scrutiny and verification strictly in accordance with the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes(Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2001 and the Rules framed thereunder.

3. As far as the first petitioner is concerned, if she is still in service of the Primary School of Sindhudurga Zilla Parishad as a teacher, then, let her services not be disturbed and she should not be terminated only because she has failed to produce the caste validity certificate. This protection will continue till the Committee passes its final order.

4. The writ petition stands disposed of accordingly. There will be no order as to costs.

(R.I.CHAGLA, J.)

(S.C.DHARMADHIKARI, J.)