

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 3319 OF 2019

Narendra Sarangdhar Nagpure ...Petitioner

Versus

Pune Vidyarthi Griha through its Registrar
Sunil Pandurang Redekar & ors. ...Respondents

Mr. Tejas Dande, a/w Mr. Bharat Gadhavi, I/b Tejas Dande
& Asso., for the Petitioner.

Mr. M. L. Patil, for Respondent no.1.

Dr. K. R. Kulkarni, AGP for the State/Respondent nos.3 to 6.

**CORAM: R. M. BORDE &
N. J. JAMADAR, JJ**

DATED: 7th JUNE, 2019

PC:-

1. The Petitioner was employed as an 'Assistant Teacher' in a private school operated by Respondent no.1 institution. The appointment of the Petitioner is made as against the seat earmarked for reserved category. The proposal tendered by the Petitioner seeking validation of the caste certificate issued to the Petitioner was initially turned down by the Scrutiny Committee in the year 2012. The Petitioner raised the challenge to the order of invalidation of caste certificate passed by the Scrutiny Committee before this Court in Writ Petition No.5473 of 2012, which came to be allowed by the Division Bench of this Court on 29th August, 2012, and the matter came to be remitted back to the Scrutiny Committee

for redetermination of the claim. The Scrutiny Committee was directed to deal with the validation claim afresh and render decision in accordance with the law. It is informed that though this Court directed the Scrutiny Committee to deal with the issue of validation claim afresh way back in the year 2012, nothing has transpired thereafter and the matter is still pending with the Scrutiny Committee. In the meanwhile, the services of the Petitioner as 'Assistant Teacher' came to be terminated on 13th April, 2018, on account of his failure to submit validation certificate. The Petitioner claims that the order of termination issued by the Management is illegal and deserves to be quashed and set aside. The fact however remains that the Petitioner has failed to tender validation certificate to the employer though he was appointed in the year 1991. It would be open for the Petitioner to claim relief in respect of the order of termination issued by the management, in the event the Scrutiny Committee proceeds to validate the caste/tribe certificate.

2. In the facts and circumstances of the case, this petition can be disposed of by issuing direction to Respondent no.3 – Scrutiny Committee to take decision on the caste certificate validation proposal tendered by the Petitioner and pending

with the Committee, as expeditiously as possible, preferably within six months from today and it is accordingly directed.

3. The writ petition stands disposed of accordingly.

[N. J. JAMADAR, J.]

[R. M. BORDE, J.]