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***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE CIVIL JURISDICTION***

WRIT PETITION NO. 5634 OF 2018

Sharad Maruti Londhe

... Petitioner

V/s.

State of Maharashtra through its
Secretary and Ors.

... Respondents

Mr. R.K. Mendadkar for the Petitioner

Mr. P.P. Kakade, AGP for the Respondents 1 to 4

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 23 JANUARY 2020.

P.C. :-

Heard learned Counsel for the parties.

2. After having heard the learned Counsel for the parties and perusing the record, we are of the opinion that the proceedings needs to be remanded to the Caste Verification Scrutiny Committee.

3. The Petitioner was granted Caste Certificate as belonging to Thakar Scheduled Tribe. On 19 January 1997 the Petitioner was appointed as a Talathi. His Caste Certificate was referred for verification to the Scheduled Tribe Verification Committee, Pune. By the impugned order dated 22 January 2018, the Committee

invalidated the Caste Certificate. Notice was issued in this Petition on 15 June 2018. No ad-interim relief was granted. As a consequence, the employer of the Petitioner terminated the Petitioner's services. The Petitioner's services as on today stands terminated.

4. Before the Scrutiny Committee, the Petitioner produced certain documents in support of his caste claim. The Vigilance Cell conducted an enquiry and the Vigilance Cell report is placed on record. It is stated that the documents relating to the Petitioner's relatives who were examined and the details thereof are given. In all eight documents regarding birth extract have been referred. These documents are of the date 21 December 2018, 21 January 1942, 21 August 1948 and 18 September 1949. These documents show the entries as Thakar. There are certain school records in which also the entries of the period from 1948 to 1962 where the entries have been shown as Thakar. There is a reference to two of the entries being registered in different castes.

5. Perusal of the order passed by the Scrutiny Committee indicates that there is no reference to any of these documents. The Scrutiny Committee has proceeded on principles of law. The Scrutiny Committee has no doubt referred to the Vigilance Cell Report, but there is a discussion upon the same. We are of the opinion that there should be a finding of the Scrutiny Committee

regarding the genuineness of these documents which is also one of the foundations of the Petitioner's claim. It is not possible for us for the first instance to examine the genuineness of this evidence.

6. Accordingly, the order passed by the Scrutiny Committee dated 22 January 2018 is quashed and set aside. The proceedings stand restored to the file of the Scrutiny Committee to be decided in law and what we have observed and as per law caste claim was invalidated.

7. As regard the prayer of the Petitioner to set aside the order of termination, at this stage it cannot be granted. There was no ad-interim relief in this Petition and termination of the services of the Petitioner was thus as per law. The order of remand in these circumstances will not automatically set aside the order of termination as the caste claim is yet to be established.

8. The Writ Petition is disposed of in the above terms.

9. The Scrutiny Committee will make an endeavour to dispose of the proceedings as early as possible preferably within a period of six months from today.

M.S. KARNIK, J.

NITIN JAMDAR, J.

**Jyoti P.
Pawar**

Digitally signed
by Jyoti P.
Pawar
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