

IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH : NAGPUR.

WRIT PETITION NO.3102/2020

Deepak Ramkrushna Pinjarkar,
aged about 54 Yrs., Occ. Service,
R/o Madhumalti Apartment, Mohite
Plot, Lahan Umri, Akola.

..Petitioner.

..Vs..

1. The Registrar, Panjabrao Krushi
Vidyapeeth, Akola.
2. Scheduled Tribe Caste Scrutiny Committee,
having its office Old Bypass Road,
Chaparasipura, Nagpur.

..Respondents.

Shri S.P. Palshikar, Advocate for the petitioner.
Shri A.R. Patil, Advocate for respondent No.1.
Shri A.A. Madiwale, A.G.P. for respondent No.2.

CORAM :- SUNIL B. SHUKRE AND
AVINASH G. GHAROTE , JJ.
DATED :- 27.11.2020

JUDGMENT *(Per Sunil B. Shukre, J.)*

1. Heard Shri S.P. Palshikar, learned counsel for the petitioner, Shri Arun Patil, learned counsel for respondent No.1 and Shri A.A. Madiwale, learned A.G.P. for respondent No.2, both of whom appear by waiving notice for these two respondents.

2. **Rule.** Rule made returnable forthwith. Heard finally by

consent.

3. This Court in several petitions had considered the grievance that no person in service, whose caste claim is pending for scrutiny before the Scrutiny Committee be terminated from service till the caste claim is decided one way or the other and accordingly had granted interim reliefs and also issued directions to the Scrutiny Committee to decide the caste claims involved in those petitions. One of those petitions is Writ Petition No.549/2020 (Jyoti Ramkrushna Pinjarkar V/s. Deputy Director / Member Secretary, Scheduled Caste Scrutiny Committee, Amravati and others) decided on 28.01.2020. Copy of this judgment is annexed to the petition at page No.40 and onwards.

4. In the present case also, there is no dispute about the fact that caste claim of the petitioner is pending for scrutiny and appropriate adjudication. If this is so, the issue involved in this case would be squarely covered by the view already taken by another Division Bench / Benches of this Court in similar matters, one of which has already been referred to by us earlier.

5. In view of the above, the petition is **allowed**.

The respondent No.2 is directed to decide the caste claim of the petitioner, in accordance with law, within a period of three months from the date of appearance of the petitioner before respondent No.2.

The petitioner is directed to appear before respondent No.2 on 1st December, 2020 at 11 a.m.

Till the caste claim is decided, the petitioner is granted protection of service and in case the caste claim of the petitioner is invalidated, the protection of service so granted shall also extend for two weeks from the date of the order passed by respondent No.2

Rule accordingly. No costs.

JUDGE

JUDGE

Nilesh
Tambaskar

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Date: 2020.11.27
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Tambaskar.