

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO. 2709 OF 2021

Pushpa D/o Sakharam Ingale
Age 49 years, Occu. Service,
R/o. Changeval, Tq. Sindkhed Raja,
Dist. Buldana

}

.. Petitioner

Versus

1. Chief Executive Officer
Zilla Parishad, Buldana

2. District Health officer,
Zilla Parishad, Buldana

3. Medical Officer,
Primary Health Centre, Kingaon Raja,
Tq. Chikhali, Dist. Buldana

4. Schedule Tribe Caste Certificate
Scrutiny Committee, Amravati, Old By
Pass, Chaprashipura, Amravati through
its Vice Chairman/ Jt. Commissioner.

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.. Respondents

Mr. Ankush P. Kalmegh Advocate for petitioner.

Mrs. Sangeeta Jachak, Advocate for respondent Nos.1 to 3.

Mr. N. R. Patil, A.G.P for respondent No.4.

**CORAM : SUNIL B. SHUKRE AND
ANIL S. KILOR, JJ.**

DATED : 11/10/2021

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

Heard Mr. Ankush Kalmegh, learned counsel for the

petitioner, Mrs.Sangeeta Jachak, learned counsel for respondent Nos.1 to 3 and Mr. N. R. Patil, learned AGP for respondent Nos.3 and 4.

(2) **Rule.** Rule made returnable forthwith. Heard finally by consent of the learned counsel appearing for the parties.

(3) The caste claim of the petitioner is pending since the year 2013. As per the settled law, no person in service could be terminated from the service till the claim is decided one way or the other. For this proposition of law, reference to the cases of **Sharada Laxman Shankhpal vs. Forest Development Corporation of Maharashtra Ltd. and others, LD-VC-NO.488 of 2020, decided on 16th July, 2020** and **Deepak Ramkrushna Pinjarkar vs. The Registrar, Panjabrao Krushi Vidyapeeth, Akola and another, Writ Petition No.3102 of 2020, decided on 27th November, 2020** be made.

(4) In the present case, the caste claim of the petitioner has not been decided but, the service of the petitioner has been converted to supernumerary post, for a period of 11 months. The effect of such an order, which is also impugned in this case would be that after the expiry of the period of 11 months or after the expiry of

the extended period, the service of the petitioner would be ultimately terminated and even this would not be permissible in view of the law laid down in the aforesaid stated cases.

(5) In these circumstances, we are of the view that necessary directions are required to be given to the respondent No.4 for expeditious decision of the caste claim of the petitioner.

- i. The petition is allowed.
- ii. The respondent No.4 is directed to decide the caste claim of the petitioner within a period of two weeks from the date of the order.
- iii. We direct that the service of the petitioner be not terminated till the caste claim is decided and in case the caste claim is decided against the petitioner, the service of the petitioner shall not be terminated for a further period of two weeks from the date of such decision.

Rule accordingly. No costs.

[ANIL S. KILOR]

[SUNIL B. SHUKRE]