

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.8408 OF 2021

Dinkar S/o Narayan Chaudhari,
Aged about 56 yrs, Occ. Service,
R/o Ghatanji, Tah. Ghatanji,
Distt. Yavatmal.

... **Petitioner**

Versus

1. The Vice-Chairman / Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chaprashipura, Amravati
Division, Amravati,
2. The Chief Executive Officer,
Zilla Parishad, Arni Road,
Yavatmal.
3. The Education Officer (Primary),
Zilla Parishad, Yavatmal.

... **Respondents**

...

Advocate for Petitioner : Ms. P. D. Rane.
AGP for Respondent No.1-State : Mr. P. S. Patil.

...

**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 26.04.2022

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

1. Rule. Learned AGP waives service of notice for

respondent No.1-Committee. Respondent Nos.2 and 3 though served with the notice of final disposal issued by this Court passed by the order dated 07.01.2020 are absent. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of Mandamus directing respondent No.1-Committee to decide the caste claim of the petitioner within the stipulated period and seeks an order for restraining respondent No.2 from applying the Government Resolution dated 21.12.2019 to the present case. The petitioner also seeks an order or direction against respondent No.2 not to disturb the services of the petitioner as 'Assistant Teacher' since the date of his appointment by the termination order by way of any temporary appointment order (11) months as per Government Resolution dated 21.12.2019.

3. By a separate judgment delivered by this Court insofar as validity of Government Resolution dated 21.12.2019 is concerned, this Court has already held that the said Government Resolution dated 21.12.2019 does not apply to

the similarly situated person. In our view, the said judgment is applicable to the facts of this case. We accordingly allow prayer clause (ii) and (iii) of this petition.

4. Insofar as prayer clause (i) is concerned, we direct respondent No.1-Scrutiny committee to decide the caste claim of the petitioner within a period of six (6) months from today. The petitioner is directed to remain present before respondent No.1-Committee on 06.05.2022 at 11.00 a.m. without fail and shall not seek any unnecessary adjournment.

5 The order that would be passed by respondent No.1-Committee shall be communicated to the petitioner within one (1) week from the date of passing of this order. If the order is in favour of the petitioner, the caste validity certificate shall be issued in favour of the petitioner within one (1) week from the date of passing such order and if the order is adverse against the petitioner, no coercive steps shall be taken against the petitioner for a period of four (4) weeks from the date of communication of the said order. In that event, the petitioner would be at liberty to file appropriate proceedings.

6. By an interim order dated 07.01.2020, this Court had

granted protection of the services of the petitioner. The said ad-interim order passed by this Court to continue till the disposal of the caste claim of the petitioner and for a period of four (4) weeks from the date of communication of the order.

7. It is made clear that if the caste claim of the petitioner is granted by respondent No.1-Committee, all the consequential benefits shall be granted to the petitioner in view of the petitioner already having stood retired within a period of eight (8) weeks from the date of allowing the caste claim of the petitioner.

8. Writ Petition is allowed in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

9. Parties to act upon authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

...

vmk/-