

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO.87 OF 2020

Geetaben Vinod Panchal Nee

Geeta Chimanlal Panchal

.. Petitioner

v/s.

The State of Maharashtra Through Its

Department of Social Justice And

Welfare and 2 Ors.

.. Respondents

....

Mr. Santosh Jagtap, a/w. Ms. Ranjana Todankar, i/b. Ms. Sonali Hunare, for the Petitioner.

Mr. P.M. Palshikar, a/w. Ms. Vandana Mahadik, for Respondent No.3.

....

**CORAM: SUNIL B. SHUKRE &
G.A. SANAP, JJ.**

DATE : 28 FEBRUARY 2022

P.C:-

Heard learned Counsel for the Petitioner and learned Counsel for Respondent No.3, who appears by waiving notice. Since the relief claimed in the petition is only against Respondent No.3, we do not find it necessary to issue notice to Respondent No.2.

2. After the earlier petition, being Writ Petition No.198 of 2015, was disposed of by this Court by issuing necessary directions to

Respondent No.2-Scrutiny Committee, Respondent No.2-Scrutiny Committee issued caste validity certificate on 11 July 2018 and it shows that in the caste validity certificate, the scrutiny committee validated the caste claim of the Petitioner that she belongs to Lohar caste, which is an "OBC". The termination order dated 1 July 2014 disposes that services of the Petitioner were terminated only on the ground that she failed to validate her caste claim as belonging to Lohar OBC Community. Now, this reason of the termination order no longer exists and, therefore, Respondent No.3 would be required to take a fresh decision on the question of re-instatement of the Petitioner in service and, if so, with effect from which date.

3. Accordingly, we direct Respondent No.3 to take appropriate decision regarding re-instatement in service of the Petitioner and, if the decision is taken favourably to the Petitioner, Respondent No.3 would also take further decision upon the date on which the re-instatement is to be granted and as to whether or not any back wages are to be paid to the Petitioner. Such decision shall be taken by Respondent No.3 within a reasonable period of time and preferably within three months from the date of the order. The Petitioner is at liberty to submit before Respondent No.3 necessary documents, including the caste validity certificate. No costs.

(G.A. SANAP, J.)

(SUNIL B. SHUKRE, J.)