

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

WRIT PETITION NO. 1635/2021

Suryakant S/o Anandrao Rodge,
aged about 55 years, Occupation-Service,
R/o Plot No.56, Pushkarna Nagar,
Dhamangaon Railway, Distt. Amravati.

PETITIONER

.....VERSUS.....

1. The Scheduled Tribe Caste Certificate
Scrutiny Committee,
through its Principal Secretary, Amravati – 414601.
2. The Principal,
Adarsha Science Jairamdas Bhagchand Arts
and Birla Commerce Mahavidyalaya,
Dhamangaon Railway, Distt. Amravati-444709.
3. The Secretary,
Dhamangaon Education Society,
Dhamangaon Railway, Distt. Amravati.
4. Sant Gadge Baba Amravati University, Amravati,
Through its Registrar.

RESPONDENTS

Shri Nitin Meshram and Shankar Borkuta, counsel for the petitioner.
Ms N.P. Mehta, Assistant Government Pleader for the respondent no.1.
Shri A.S. Dhore, counsel for the respondent nos.2 & 3.

CORAM : A. S. CHANDURKAR AND SMT.PUSHPA V. GANEDIWALA, JJ.

DATE : 06TH JANUARY, 2022.

ORAL JUDGMENT (PER : A.S. CHANDURKAR, J.)

RULE. Rule made returnable forthwith and heard the learned counsel.

2. The challenge raised in this writ petition is to the common order dated 17.03.2021 passed by the Caste Scrutiny Committee, Amravati whereby the claim of the petitioner of belonging to Halbi Scheduled Tribe has been invalidated.

3. It is common ground that the brother as well as the sister of the present petitioner had challenged the order passed by the Scrutiny Committee in Writ Petition Nos.1638 of 2021 and 1639 of 2021. On 26.10.2021, this Court allowed the said writ petitions and after setting aside the order passed by the Scrutiny Committee was pleased to remand the proceedings for fresh adjudication. In view of the fact that the common order insofar as two applicants has been set aside and the present petitioner is a blood relative of those applicants, the same course as followed in the aforesaid writ petitions would have to be adopted.

It is however submitted by the learned counsel for the respondent nos.2 and 3 that on 27.04.2021 the services of the petitioner on the post of Lecturer have been terminated for want of appropriate validity certificate.

4. In the light of aforesaid, the order dated 17.03.2021 passed by the Scrutiny Committee in the present proceedings is quashed and set aside for the reasons assigned in Writ Petition Nos.1638 of 2021 and 1639 of 2021. Since it is found that the services of the petitioner were terminated only on the ground of absence of validity certificate and as the order passed by the Scrutiny Committee invalidating the tribe claim has been set aside, it is directed that the services of the petitioner shall be reinstated within a period of ten days from today. The continuation in

service would be subject to the outcome of the proceedings before the Scrutiny Committee. On the aspect of back wages from 27.04.2021 till reinstatement, the said aspect shall be considered based on the outcome of the proceedings before the Scrutiny Committee. The petitioner shall appear before the Scrutiny Committee to enable adjudication of the tribe claim on 24.01.2022 subject to any guidelines issued by the Scrutiny Committee regarding physical presence. The Scrutiny Committee shall decide the proceedings within a period of three months from the date of first appearance of the parties before the Scrutiny Committee. It is made clear that the claim of the petitioner shall be adjudicated on its own merits and in accordance with law.

5. The writ petition is allowed in aforesaid terms and disposed of. Rule accordingly. No costs.

(SMT.PUSHPA V. GANEDIWALA, J.)

(A.S. CHANDURKAR, J.)

APTE