

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

WRIT PETITION NO. 1810 OF 2020

Sau.Pramila w/o Anil Bakde
(Maiden name: Ku. Pramila d/o
Ramkrushna Mahajan)

..Petitioner

versus

1) The Chief Executive Officer,
Zilla Parishad, Nagpur & others

..Respondents

Mr. N.S. Khubalkar, Advocate for the Petitioner
Mr. M.M.Sudame, Advocate for the Respondent Nos.1 & 2
Mr. A.S. Fulzele, Additional Government Pleader for Respondent
No.3

...

CORAM: NITIN JAMDAR &
ANIL L.PANSARE, JJ.

DATED : 1 March 2022.

P.C.:

Heard learned counsel for the parties.

2. On 15 February 2022, the following order was
passed :-

“ *Heard learned Counsel for the parties.*

2. *It is the case of the Petitioner that since the
Petitioner is appointed on a compassionate basis, the
issue of verification of caste claim of the Petitioner does
not arise. The Petitioner has relied upon the decisions*

of this Court, more particularly, in the case of Ajinkya s/o Rajiv Khadatkar Vs. Managing Director, Maharashtra State Electricity Distribution Co.Ltd & Ors.¹

3. While we defer hearing of this petition by a period of two weeks at the request of learned Counsel for Respondent Nos. 1 and 2, we direct that the Chief Executive Officer will examine the legal position and the decisions annexed to this petition, and if the case is covered as contended, should proceed to give benefit to the Petitioner. In case the case is not covered, then the reply-affidavit be filed.”

4. Stand over to 01 March 2022.”

3. The learned counsel for Respondent-Zilla Parishad states that the Chief Executive Officer has examined the legal position and has also taken legal advice and has accepted the position that having a caste validity certificate is not necessary in the case of the Petitioner as the Petitioner is appointed on compassionate basis. The learned Counsel for the Respondent-Zilla Parishad states that in light thereof, an order is also issued on 28 February 2022.

4. Learned counsel for the Petitioner points out that there are certain observations in the order which would go contrary to the stand now taken by the Respondent-Zilla Parishad regarding the non-necessity of the validity certificate.

¹ 2019(6)ALL MR 187

5. Since the Respondent-Zilla Parishad, in principle, has taken a stand that there is no necessity for the caste validity certificate for the Petitioner, if there are any consequences of this stand now taken on the earlier orders passed, the Zilla Parishad would review those orders including the stipulation contained in the order dated 28 February 2022 and proceed to grant benefits to the Petitioner as may be available in law.

6. The learned counsel for Respondent-Zilla Parishad states that review of such orders based on the current stand would be taken.

7. Nothing further survives for consideration in this petition.

8. Expecting that the action would be taken by the Respondent-Zilla Parishad at the earliest, we dispose of the petition.

[ANIL L. PANSARE,J.]

[NITIN JAMDAR,J.]

sahare