

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

WRIT PETITION NO.7267/2019

Ku.Vidhya Budharam Pilare,
aged about 35 years, Occ.:Service.
R/o. Santaji Nagar, Delan Wadi Ward,
Tahsil-Brahmapuri, District Chandrapur.

..... **PETITIONER**

...V E R S U S...

- 1] State of Maharashtra,
through its Secretary,
Revenue and Forest Department,
Mantralaya, Mumbai-32.
- 2] The Settlement Commissioner,
and Director of Land Records,
Maharashtra State, Pune.
- 3] The Deputy Director of Land Records,
Nagpur Region, Nagpur.
- 4] The District Superintendent of Land Records,
Chandrapur.
- 5] The Divisional Caste Certificate Scrutiny
Committee No.2, Nagpur Division,
Chandrapur, through its Member.
- 6] The Sub-Divisional officer (Revenue),
Tahsil-Lanji, District Balaghat, Madhya Pradesh.

..... **RESPONDENTS**

Shri Vishal Anand, Advocate for petitioner.
Ms H.N.Jaipurkar, Assistant Government Pleader for respondent nos. 1 to 5.
None for respondent no.6 though served.

CORAM : A.S.CHANDURKAR and SMT. M.S.JAWALKAR, JJ.
DATE : 28th FEBRUARY, 2022.

ORAL JUDGMENT (Per A.S.CHANDURKAR, J.)

Rule. Rule made returnable forthwith and heard the learned counsel for the parties.

2. The petitioner was appointed as a 'Clerk' at the District Superintendent of Land Records on 27.05.2009. By an order dated 09.10.2019 her services came to be terminated for the reason that her father was the resident of Madhya Pradesh and therefore she would not be in a position to seek any caste validity certificate. Being aggrieved by the order of termination, the petitioner has challenged that order in this writ petition alongwith the prayer to decide her caste claim.

In addition, the petitioner has also challenged the communication dated 05.02.2014 issued by the Scrutiny Committee refusing to consider issuance of a validity certificate to her for the reason that she had migrated from another State.

3. In the reply filed by the respondent no.5 a stand has been taken if the petitioner submits a fresh application with all mandatory requirements as per the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (*Vimukta Jatis*) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification) Act 2000 in Form 16 with an affidavit in support thereof, her caste claim would be decided in accordance with law.

4. We find that in view of aforesaid stand taken in the reply by the respondent no.5, the grievance of the petitioner insofar as verification her caste certificate would stand redressed.

5. Accordingly the petitioner is permitted to file an application in Form 16 with all necessary documents as required in that regard. If such application is moved by the petitioner the same shall be considered by the Scrutiny Committee in accordance with law. Considering the fact that the services of the petitioner have now been terminated, the Scrutiny Committee shall within a period of nine months from the receipt of the application in Form 16 with all necessary documents complete the entire process. The question as regards the validity of the order of termination dated 09.10.2019 is kept open for being considered after adjudication by the Scrutiny Committee. All points in that regard are kept open.

6. The writ petition is partly allowed. Rule is made absolute in aforesaid terms. No costs.

(SMT. M.S.JAWALKAR, J.)

(A.S.CHANDURKAR, J.)

Andurkar..