



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

913 WRIT PETITION NO.2252 OF 2024

JYOTIKIRAN NARAYANSWAMI AVALE

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Mr. P.B. Shirsath, Advocate for petitioner

Mr. N.S. Tekale, AGP for respondent Nos.1 and 2

...

CORAM : SMT. VIBHA KANKANWADI &
S.G. CHAPALGAONKAR, JJ.

DATE : 28th FEBRUARY, 2024

ORDER :

1 The present writ petition has been filed for following reliefs.

“B) Issue writ of certiorari or writ in the nature of certiorari thereby to quash and set aside the impugned letter outward No.2023-2024/Pra/1083 dated 17.01.2024 issued by the respondent No.3 and for that purpose issue necessary writ, order or direction.

C) Issue writ of mandamus or writ in the nature of mandamus thereby directing the respondent No.2 Committee to decide caste claim of the petitioner as expeditiously as possible and within the stipulated period.”

2 By letter dated 17.01.2024 a notice appears to have been given to the petitioner to submit the validity certificate within seven days and the failure would result in the temporary contractual employment for her. It is to be noted that the petitioner had challenged the rejection of her caste claim in Writ Petition No.6041 of 2017 before this Court and by order dated 24.07.2017 the said writ petition was disposed of by setting aside impugned order passed by the Scrutiny Committee invalidating the tribe claim. Directions were given to the Scrutiny Committee to scrutinize and verify the claim of the petitioner. The protection was granted to the petitioner that till the Scrutiny Committee decides the matter and communicates its order, the services of the petitioner shall not be terminated on the ground that the petitioner has failed to produce the validity certificate. The Scrutiny Committee was directed to complete assignment as expeditiously as possible. Thus, the said claim is still pending before the Scrutiny Committee.

3 Learned AGP after waiving notice for respondent Nos.1 and 2, on instructions, submits that respondent No.2 Committee would decide the caste claim of the petitioner within a period of one month. Under the said circumstance, the petition can be disposed of by giving directions to respondent No.2. Hence, following order.

ORDER

The writ petition stands allowed by issuing following directions :

- 1) Respondent No.2 Committee to decide the caste claim of the petitioner within a period of one month as per the statement and undertaking on behalf of respondent No.2, submitted by learned AGP
- 2) Respondent No.3 to take note of the protection which was already granted by this Court to the services of the petitioner while passing the order in Writ Petition No.6041 of 2017 dated 24.04.2017.

(S.G. CHAPALGAONKAR, J.)

(SMT. VIBHA KANKANWADI, J.)

agd