



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

Writ Petition No.2800 of 2024

[Namrata D/o Gajanan Sorte **VERSUS** The Scheduled Tribes Caste Certificate Scrutiny Committee, through its Member Secretary and Deputy Director, Yavatmal and others]

*Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders.*

Court's or Judge's order

Shri Ashwin Deshpande, Counsel for Petitioner.
Shri N.S. Rao, Assistant Government Pleader for Respondents.

CORAM : NITIN W. SAMBRE AND ABHAY J. MANTRI, JJ.

DATE : 19th JUNE, 2024

1. On 29-4-2024, having regard to the challenge raised in this petition, this Court has not only stayed the order of the Committee but also the order of termination. As a sequel of which, the petitioner should have been reinstated forthwith, as the order was passed after hearing the learned Assistant Government Pleader for the respondents.
2. It appears that instead of complying with the said order, the respondent No.4- Deputy Director, Health Services, Nagpur, on 9-5-2024 entered into a communication and sought an opinion whether the order of this Court can be questioned before the Apex Court.
3. We have no reservation on the said issue, as the Deputy Director, Health Services, Nagpur or the aggrieved party, of course, can take recourse to the statutory remedy as is available in law. However, unless the order of this Court is stayed or set aside by the higher Court, the same should have been implemented in its true letter and spirit.
4. During the course of hearing, Shri Rao, learned Assistant Government Pleader for the respondents, has placed on record another communication

dated 19-6-2024 thereby informing that the Deputy Director, Health Services, Nagpur has granted reinstatement to the petitioner. However, the fact remains that from the date of order of this Court till the date of reinstatement, it is because of the apathy of the respondent-Deputy Director, Health Services, Nagpur, the petitioner will not be able to claim the salary.

5. In response to above, Shri Rao, learned Assistant Government Pleader, submits that the said issue will be appropriately resolved.

6. We deem it appropriate to put the respondent No.4- Deputy Director, Health Services, Nagpur, to notice that if the said issue is not resolved by the next date of hearing, we shall be constrained to direct recovery from the salary of the Deputy Director, Health Services, Nagpur.

7. Stand over to 3-7-2024 for reply of the learned Assistant Government Pleader for the respondents.

(ABHAY J. MANTRI, J.)

(NITIN W. SAMBRE, J.)