



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

76 WRIT PETITION NO. 11401 OF 2024

PANDURANG NARSINGA INJEWAD

VERSUS

STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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Advocates for Petitioner : Mr. R. K. Mendadkar & Mr. Vijay G.
Gangalwad.

AGP for Respondent/s-State : Mr. S. B. Pulkundwar.

Advocate for Respondent No.3 : Mr. Gangakhedkar S. S.

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CORAM : S. G. MEHARE, AND
SANDIPKUMAR C. MORE, JJ.

DATE : 17.03.2025

PER COURT :-

1. Heard the respective learned counsels.
2. The petitioner is seeking direction against respondent No.2 to decide his caste claim pending since 2013 and direction against respondent No.3 to pay his regular salary.
3. Learned counsel for the petitioner would submit that he wrote many letters to the Caste Scrutiny Committee since 2013. But, no cognizance has been taken. He would submit that for no reason, his caste validity application is pending.

Due to the sheer negligence of the Caste Scrutiny Committee, he could not produce the caste validity certificate to the employer. Therefore, consequently the employer stopped his salary from the month of July 2024. Therefore, his requests may be granted. In addition thereto, he also argued that the entire facts have been pleaded about the negligence of the Caste Scrutiny Committee.

4. Per contra, learned AGP has vehemently argued that the statement as regards the communication by the petitioner since 2013 appears incorrect. The petitioner never appeared before the Caste Scrutiny Committee. He cannot blame others for his mistakes.

5. Learned counsel for respondent No.3 Mr. Gangakhedkar referred to the letter dated 19.07.2024 and argued that from time to time, the petitioner was reminded to get the caste claim decided. Thereafter, in the month of October, the petitioner has filed the writ petition. If the petition would not succeed in proving the caste claim, he may not deserve for salary and it would be very difficult for respondent No.3 to recover the same.

6. It is the disputed fact who is at fault. Both parties are blaming each other. However, fact remains that since 2013, the matter is pending before the Caste Scrutiny Committee. The petitioner did not file the copies of the order sheet to ascertain the facts, but only relied on the pleadings. Be that as it may, the fact that the petitioner is in continuous service since 1996 on the sanctioned post and getting salary regularly.

7. The apprehension of respondent No.3 may be guarded by directing the petitioner to furnish the undertaking before the Education Officer, Zilla Parishad that he would refund the amount, if liable to refund for one year.

8. In view thereof, we allow this writ petition by directing respondent No.2 to decide the caste claim of the petitioner within five (5) months from today subject to co-operation of the petitioner.

9. The petitioner should attend the proceeding on each and every effective date and sign the Roznama/order sheet of caste claim proceeding.

10. The petitioner should appear before the Caste Scrutiny Committee on 22.04.2025. So, till then, the V. C. report may be received.

11. Respondent No.3 is directed to submit the salary bill from July 2024 to the Officer concerned.

12. No order as to costs.

(SANDIPKUMAR C. MORE, J.)

(S. G. MEHARE, J.)

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vmk/-