

MAHARASHTRA ADMINISTRATIVE TRIBUNAL,
NAGPUR BENCH, NAGPUR.

ORIGINAL APPLICATION NO.664/2013.

Pandit Bapurao Patil,
Aged about 54 years, Occ-Service,
R/o Priya Township,
Shegaon-Rahatgaon Road, Amravati.

Applicant.

-Versus-

1. The State of Maharashtra,
Through its Secretary,
Department of Home,
Mantralaya, Mumbai-32.
2. The Commissioner of Police,
Amravati City, Amravati.
3. The Divisional Caste Certificate Committee No.1,
Rathi Nagar, Amravati.

Respondents.

Shri S.N. Gaikwad, Ld. Advocate for the applicant.
Shri A.M. Ghogre, Ld. P.O. for the respondents.

Coram:- B. Majumdar, Vice-Chairman and
Justice M.N. Gilani, Member (J).

Dated:- 2nd December, 2015.

Order

Per: Member (J)

In this O.A., the applicant has challenged the show cause notice dated 21.6.2013 calling upon him to submit caste validity certificate, else his services shall be terminated.

2. The applicant joined as Police Constable on the establishment of Superintendent of Police, Bhandara. His appointment

was against the post reserved for ST. Presently, he is serving on the establishment of the respondent No.2. Till the year 2005, he rose to the level of Assistant Sub-Inspector. His case is that, whatever promotions granted to him are from Open category. Further case of the applicant is that, he has already furnished necessary documents showing that he belongs to caste Tirumal-NT/VJ. The respondents forwarded these document to the Caste Scrutiny Committee. As such, caste claim is pending before the Committee. In that view of the matter, it was wrong on the part of the respondents to serve upon him the impugned notice.

3. The respondent No.2 submitted affidavit in reply. It is stated that, against the post reserved for VJ/NT category, the applicant was appointed as Police Constable. Certificate submitted by him is required to be validated by the Caste Scrutiny Committee. The applicant has not submitted the caste validity certificate and, therefore, impugned notice came to be issued.

4. What emerges from the above is, that the proceedings to decide caste claim of the applicant is pending before the Caste Scrutiny Committee. Assuming that, such proceeding is not pending before the Committee, it is expected of the department to forward, the caste certificate and other relevant documents, if any,

submitted by the applicant, to the Caste Scrutiny Committee. If the applicant is not inclined to supply necessary information / documents, he shall be doing ^{so} at his peril. This will not preclude the Caste Scrutiny Committee to dispose of the proceedings regarding caste claim of the applicant. However, till the decision of the Caste Scrutiny Committee, the respondent No.2 shall be precluded from taking any coercive steps against the applicant. That being so, notice impugned will have to be quashed and set aside.

5. Accordingly, O.A. stands disposed of in the following terms:

(i) Notice dated 21.6.2013 (Annexure A-4) is quashed and set aside.

(ii) It is directed that the caste claim of the applicant if not, yet submitted shall be forwarded to the Caste Scrutiny Committee for decision, according to law.

(iii) It is clarified that, the applicant shall be under obligation to supply necessary documents, if not, yet supplied.

(iv) The Caste Scrutiny Committee, on the basis of documents received, shall be at liberty to finally decide caste claim of the applicant and communicate the same to the respondent No.2.

(v) It is further clarified that, on receipt of report from the Caste Scrutiny Committee, the respondent No.2 shall be at liberty to take decision *qua* the applicant, according to law.

(vi) There shall be no order as to costs.

Sd/-

(M.N.Gilani)
Member (J)

Sd/-

(B.Majumdar)
Vice-Chairman