

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petitions for Special Leave to Appeal (C) Nos. 3055-3056/2020

(Arising out of impugned final judgment and order dated 12-07-2019 in CA No. 2460/2018 and 17-12-2019 in MCA No. 967/2019 in W.P.No. 2835/2015 passed by the High Court of Judicature at Bombay at Nagpur)

ZILLA PARISHAD, WASHIM & ORS.

Petitioner(s)

VERSUS

KISHOR VASANTRAO CHAMBHARE

Respondent(s)

(IA No. 10582/2020 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 10583/2020 - EXEMPTION FROM FILING O.T. AND IA No. 111284/2020 - VACATING STAY)

Date : 07-05-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.S. BOPANNA
HON'BLE MR. JUSTICE SANJAY KUMAR

For Petitioner(s) Mr.J.N.Singh, Adv.
Mr. Saurabh Mishra, AOR
Mrs. Sadhana Singh, Adv.

For Respondent(s) Mr. Vinay Navare, Sr. Adv.
Mr. Kishor Lambat, Adv.
Mr. S. Deshpande, Adv.
Ms. Kashmira Lambat, Adv.
Ms. Suja Joshi, Adv.
M/S. Lambat And Associates, AOR

UPON hearing the counsel, the Court made the following
O R D E R

Heard learned counsel for the petitioners as also learned senior counsel for the respondent and perused the petition papers.

The petitioners are assailing the order dated 12.07.2019 passed by the High Court, whereby a direction has been issued to the petitioners herein to reinstate the respondent into service

with consequential benefits. However, the High Court indicated that the respondent would not be entitled to backwages but to a consolidated compensation of Rs.50,000/-.

In that regard, the petitioners are before us contending that the direction, as issued by the High Court, is not justified. Though, we have elaborately heard the learned counsel for the petitioners as also the learned senior counsel for the respondent, the short issue, on which consideration was made by the High Court, is as to the category under which the respondent had been appointed. The claim of the respondent is that the appointment was made under the Special Backward Classes category while the petitioners herein contend that the application was made by him as a Schedule Tribe category candidate and, therefore, without an appropriate certificate to that effect, his employment could not have been considered.

The fact remains that pursuant to the employment provided to the respondent, his documents were sent for verification, which included the certificate showing the respondent under the S.B.C category. The communication at Annexure-R/5 would disclose that the Education Officer, Zilla Parishad, Washim, has, in fact, through the said letter indicated that the respondent was selected as an Assistant Teacher from S.B.C category and sought verification. The Caste Verification Committee, through the Caste Validity Certificate dated 04.07.2003 at Annexure R/7, indicated the caste of the respondent as belonging to the Special Backward Class Category.

If that be the position, at this juncture, while considering the correctness of the judgment passed by the High Court, in the limited scope available to this Court under Article 136 of the Constitution of India, we are of the opinion that the judgment passed by the High Court does not call for any interference.

The direction issued by the High Court to reinstate the petitioner will be complied with within a period of four weeks from the date of receipt of a copy of this order.

The Special leave petitions are, accordingly, dismissed.

Pending application(s) shall also stand disposed of.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
ASSISTANT REGISTRAR