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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.6147 OF 2006

Smt. Mandabai w/o Late Govind Thakur,
Age : 43 years, Occu. Service,

[Now, restrained from serving as a Peon
appointed on compassionate ground in Tahsil
Office, Ghansavangi, Jalna, Dist. Jalna
w.e.f. 23/3/2006

Original R/o Naigaon Bazar,
Tq. Naigaon [Kh], Dist. Nanded.

... PETITIONER...

VERSUS

- 1] The State of Maharashtra,
Through the Secretary,
General Admn. Department,
Mantralaya, Mumbai.
- 2] The Collector,
Collectorate, Jalna.
- 3] The Tahsildar,
Tahsil Office,
Ghansavangi, Dist.Jalna.
- 4] The Sub Divisional Officer,
Sub Divisional Office,
Naigaon [Kh]
Dist. Nanded.

... RESPONDENTS...

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Mr. A.S. Golegaonkar, Advocate for petitioner.
Mr. S.K. Kadam, AGP for respondent nos.1,3&4.
Mr. P.S. Patil, Advocate for respondent no.2.

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**CORAM : A.V. NIRGUDE AND
A.M. BADAR, JJ.**

DATE : 06.07.2015

PER COURT :

1] This petition is filed for seeking following relief:

“A] To grant rule and allow this petition.

B] To quash and set aside the impugned order/letter dtd.24/2/2006 issued by respondent no.3 on the say of respondent no.2 and direct the respondent no.2 and 3 to immediately allow petitioner to work as a Peon in the office of respondent no.3 on compassionate ground; in view of the G.R. dated 13/6/2013, without insisting for production of Caste Certificate and Caste Validity Certificate; by issuing appropriate writ, order or directives, as the case may be.

C] To direct the respondent no.4 to consider the application of petitioner dated 10/8/2004 in the light of documentary evidence submitted along with the said application and report of panchanama and issue caste certificate in favour of petitioner, by issuing writ, order or directives, as the case may be.

D] To grant stay to the effect & operation of the impugned order/letter dated 24/2/2006 issued by respondent no.3 on the

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say of respondent no.2 and also direct the respondent no.2 and 3 to immediately allow petitioner to work as a Peon in the office of respondent no.3 on compassionate ground; in view of the G.R. dated 13/6/2003, without insisting for production of Caste Certificate and Caste Validity Certificate; pending hearing and final disposal of this petition.

E] To direct the respondent no.4 to consider the application of petitioner dated 10/8/2004 in the light of documentary evidence submitted alongwith the said application and report of Panchanama and forthwith issue Caste Certificate in favour of petitioner, pending hearing and final disposal of this petition.”

2] Learned counsel on being questioned as to whether relief in terms of prayer clause 'B','C' & 'D' are maintainable before the Court, he grudgingly conceded that these prayers are not possible before this Court and for that his client has to go to some other forum.

3] Rule. Rule made returnable forthwith. By consent heard finally.

4] Petition can be decided only for consideration

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of prayer clause "E". Learned AGP assures the Court that his client would take necessary steps for deciding the question as to whether the petitioner is entitled to caste certificate.

5] In view of this, petition is partly allowed in terms of following order :

i] The application of the petitioner dated 10.08.2004 pending before S.D.O. Degloor, District Nanded shall be decided within 6 weeks from today.

ii] So far as other reliefs are concern, petitioner is liberty to approach before appropriate forum.

6] Rule made absolute in the above terms. There shall be no order as to costs.

7] Authenticated copy/certified copy expedited.

[A.M. BADAR]
JUDGE

[A.V. NIRGUDE]
JUDGE.

MRT/-