

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

998 WRIT PETITION NO. 11078 OF 2014

ABASAHEB DIGAMBAR BEEDKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Bayas Anandsing
AGP for Respondents:Mr. U.S Mote
...

CORAM : R. M. BORDE & P.R. BORA, JJ.
Date: October 09, 2015
...

PER COURT :-

1 The petitioner claims to belong to Mahanubhav Bhopi caste, which is included in other backward class (OBC) category by virtue of Govt. resolution dated 5.10.2006. The petitioner contends that, he had secured a certificate earlier, in respect of his caste on 5.10.2006, as belonging to Nomadic Tribe (NT) category, since at the relevant time, the caste Mahanubhav Bhopi was categorized as NT. The first certificate issued in favour of the petitioner on 5.10.2006, certifying that, he belongs to NT category was forwarded to the scrutiny committee by his employer on 9.7.2013 and the claim in respect of validation of certificate is stated to be pending. The petitioner contends that, he has not secured any benefits of reserved category, while claiming employment with respondent Nos.5 and 6 and that, he has been appointed against a vacancy prescribed for open category. The petitioner contends that, since the caste Mahanubhav Bhopi is now categorized as OBC, it would be necessary to validate the certificate which he has secured on second occasion. The petitioner contends that, since the earlier reference, in respect of verification of his caste certificate issued in 2006 as belonging to NT category is pending

with the committee, the employer has refused to accept the fresh proposal and forward the same to the scrutiny committee.

2 In the facts of the case, we deem it appropriate to grant liberty to the petitioner to tender a proposal for validation of the caste certificate issued to him on 31.10.2013 certifying that he belongs to OBC category to the scrutiny committee directly. The petitioner shall tender the proposal to the scrutiny committee directly within a period of 8 weeks from today and committee shall accept the same and proceed to verify the said certificate and issue necessary orders in observance of the procedure prescribed in that behalf as expeditiously as possible and preferably within a period of one year from the date of receipt of the proposal. So far as the earlier proposal tendered with the committee on 9.7.2013 in respect of certificate issued to the petitioner, certifying that he belongs to NT category is concerned, it need not be proceeded further and said proceedings shall be disposed of.

3 With the directions as above, writ petition is disposed of.

(P.R. BORA, J)

(R.M.BORDE, J)