

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION (STAMP) NO.10263 OF 2015

Shri. Baliram Brahmdev Vasekar and another .. Petitioners

Versus

Navnath Tulsiram Anuse and others .. Respondents

Mr. A. B. Tajane, for the Petitioners.

Mr. A. S. Kulkarni, for the Respondent No.1.

Mr. S. D. Rayrikar, AGP for the Respondent Nos.3 & 4.

CORAM : R.M. SAVANT, J.

DATE : 3rd AUGUST, 2015

PC.

1. At the outset, the Learned Counsel for the Petitioners seeks deletion of the Respondent No.2 from the array of the Respondents. The said Respondent is deleted at the risk of the Petitioners.

2. The order refusing stay passed by the Appellate Authority i.e. Additional Commissioner, Pune Division, Pune is taken exception to by way of the above Petition. In view of the fact that the Appeal is pending, it is not necessary to entertain the above Petition. In so far as the grant of stay is concerned, the Learned Counsel for the Petitioners relies upon a Division Bench judgment of this Court dated 20th December 2007 rendered in a group of Writ Petitions being Writ Petition No.5691 of

2007 in the matter of Dadasaheb Arjun Gulve Vs. The State of Maharashtra & Ors. and companion matters, wherein the Division Bench has held that the said condition of submitting the Caste Validity Certificate within six months is directory and not mandatory. In my view, having regard to the said authoritative pronouncement of this Court, interim relief would have to be granted to the Petitioners pending the consideration of the Appeal filed by them before the Appellate Authority. Hence, the disqualification of the Petitioners is stayed pending the consideration of the Appeal by the Appellate Authority. In the facts and circumstances of the case, it is just and proper to direct the Appellate Authority to hear and decide the Appeal latest by 15th October 2015 by giving proper opportunity to the parties. With the aforesaid directions, the Writ Petition is disposed of.

[R.M. SAVANT, J]