

—
IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10773 OF 2015

Kalpesh Rajendra Thakur

...Petitioner

v/s.

State of Maharashtra and Ors.

...Respondents

...

Mr.R.K.Mendadkar with Ms.Helen Koli-Mandlik for the Petitioner.

Mr.VN.Sagare, AGP for Respondents Nos.1 to 3.

...

CORAM : ANOOP V. MOHTA &

A.A.SAYED, JJ.

DATED : 8 DECEMBER 2015

ORDER:

Rule. Returnable forthwith. Heard finally by consent of parties.

2. We are inclined to dispose of the present Writ Petition, as admittedly the Petitioner's Application for caste verification/caste validity certificate, which is submitted through the Respondent-Management, is pending with Respondent No.2-Caste Scrutiny Committee since July 2015. The Petitioner was appointed on the basis of the caste in question on condition of submission of the caste validity certificate within six months. In our view the Petitioner cannot be penalized if the said condition is not complied with due to the fact that Respondent No.2-Caste Scrutiny

Committee did not decide the caste validity of the Petitioner.

3. In the circumstances, we direct the Caste Scrutiny Committee-Respondent No.2 to decide the Application of the Petitioner as early as possible and preferably within six months from today. We are inclined to observe that there should be no coercive steps against the Petitioner for want of caste validity certificate till the final decision of the Caste Scrutiny Committee and four weeks thereafter, if any adverse order is passed against the Petitioner. There is no question of claiming equity, if order goes against the Petitioner.

4. The Petition is disposed of. Rule made absolute accordingly. No order as to costs.

(A.A. SAYED, J.)

(ANOOP V. MOHTA J.)