

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.10934 OF 2014

Shanmukh S. Guttaragi

.. Petitioner

Vs.

State of Maharashtra & Ors.

.. Respondents

Mr.Anita A. Agarwal for petitioner.

Ms.S.S.Bhende, AGP for respondent nos.1, 2 & 3.

Mr.I.M. Khairadi for respondent no.3.

**CORAM : ANOOP V. MOHTA,
K.R.SHRIRAM, JJ.**

DATE : 27TH MARCH, 2015

P.C.

1 Rule made returnable forthwith and heard finally.

2 The petitioner has stated that his caste validity claim is pending before respondent no.2-Divisional Caste Scrutiny Committee Still respondent no.3 has threatened to discontinue the services of the petitioner and as averred in paragraph 4.9 of the petition, they are not even allowing the petitioner to sign the muster and/or conduct classes. The counsel for the petitioner stated that in order dated 27th February 2015 the statement of the learned AGP has been recorded that the caste claim of the petitioner has been decided and the same is invalidated by an order dated 26th February 2015 and the matter was adjourned to 9th March 2015 for production of a copy of the order of caste scrutiny committee but no order is being produced

on record till date. The learned counsel appearing for the petitioner further stated that no hearing was given to the petitioner and no such order has been communicated to the petitioner till this date. Even otherwise, till the caste validity certificate and all the proceedings attained finality, there was no question of any threat of termination of service based upon the caste claim. The law is settled in this regard. The petitioner, in these circumstances, has filed present writ petition, which is the only remedy available to the petitioner to challenge the order so passed by the Committee and there is no other provision available such as filing an appeal to challenge the order of the caste scrutiny committee. Therefore, the issue of caste claim is required to be decided finally by the Court. As the caste claim is pending for decision before the committee, there is no question of taking such drastic action at this stage.

3 We are, therefore, inclined to dispose this writ petition. Therefore, the petition is allowed in terms of prayer clause (b).

4 Rule and petition is disposed of. No costs.

(K.R. SHRIRAM, J.)

(ANOOP V MOHTA, J.)