

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.9025 OF 2014**

Ankush Balu Kelgane

...Petitioner

Versus

State of Maharashtra & Ors.

...Respondents

...

Mr. T.V. Jadhav i/b. Mr. R.K. Mendadkar for the Petitioner.

Mr. P.G. Sawant, A.G.P. for Respondent -State.

**CORAM : RANJIT MORE &
SMT. ANUJA PRABHUDESSAI, JJ.**

DATED : 21st JULY, 2016.

P. C. :

Not on board. Taken on board on being mentioned on the ground of urgency.

2. Heard Mr. Jadhav, the learned counsel appearing for the Petitioner and Mr. P.G. Sawant, Additional Govt. Pleader for Respondent -State.

3. By this petition filed under Article 226 of the Constitution of India, the Petitioner is seeking directions to Respondent No.4-Sub Divisional Officer, Wai Division, Wai, District-Satara to decide Petitioner's application for grant of Caste Certificate as belonging to

Mahadev Koli, Scheduled Tribe and further direction to Respondent No.3 to not to take any adverse action against the Petitioner on the basis of communication dated 30th August, 2014.

4. By order dated 30th March, 2001 the Committee for Scrutiny and verification of Tribe claim, Pune, Division, Pune, disposed of the caste appeal No.TCSC/5/2001 filed by the Petitioner. By the said order the Petitioner's appeal was allowed and his case was remanded for re-enquiry Sub Divisional Officer, Wai. The Sub Divisional Officer, Wai has not taken any action, therefore, present petition is filed.

5. Mr. Sawant, the learned Additional Govt. Pleader, having taken instructions, states that Ms Trupti Patil, Naib Tahasildar, Sub Division Officer, Wai, District-Satara has filed an affidavit dated 21st July, 2016. In para 3 of the said affidavit she states that file pertaining to the Petitioner's application is misplaced and the office of Sub Divisional Officer, Wai, proposes to reconstruct the said file. She has also stated that if the Petitioner cooperates with the Sub Divisional Officer, Wai, he is prepared to dispose of the Petitioner's claim as expeditiously as possible and in any case within 45 days from the date of reconstruction of file.

6. The learned counsel for the Petitioner also makes a statement that the Petitioner will co-operate with the Sub Divisional Office, Wai for reconstruction of the file. Statement is accepted.

7. In above facts and circumstances, we dispose of the petition by passing following order:

- (i) Office of the Sub Divisional Officer, Wai, District-Satara shall reconstruct the file pertaining to the Petitioner's caste claim within a period of four weeks from today.
- (ii) The Petitioner is directed to cooperate with the office of the Sub Divisional Officer, Wai, District-Satara.
- (iii) The Sub Divisional Officer, Wai, shall decide the caste claim of the Petitioner within a period of 45 days from the date of reconstruction of the file.
- (iv) The ad-interim relief passed by this Court on 30th September, 2014 shall remain in operation till the Petitioner's caste claim is decided by the Sub Divisional Officer, Wai.

8. Ordered accordingly.

(ANUJA PRABHUDESSAI, J.)

(RANJIT MORE, J.)