

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

WRIT PETITION NO. 10569 OF 2014

Arun Hiranman Navasare	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. R. K. Mendadkar for the petitioner.

Mr. C. P. Yadav - AGP for respondent
nos.1 and 2.

Mr. Sandeep V. Marne with Mr. Vishal P.
Shirk for respondent no. 3.

**CORAM :- S. C. DHARMADHIKARI &
B. P. COLABAWALLA, JJ.**

DATED :- DECEMBER 22, 2016

P.C. :-

1. In pursuance of the earlier order and directions, the Caste Scrutiny Committee, Nandurbar has passed an order dated 9th December, 2016 on the caste claim of the present petitioner.

2. In the final paragraph of this order, the committee unanimously holds that the petitioner does not belong to Tokare Koli Scheduled Tribe. His caste certificate is, therefore, declared as invalid.

3. In these circumstances, ordinarily, the writ petition could have been disposed of and by keeping open the right of the petitioner to challenge this order. Equally, by keeping open the contentions of the petitioner, while raising a challenge of the nature proposed.

4. However, Mr. Mendadkar, learned counsel appearing for the petitioner would submit that the petitioner has been serving Navi Mumbai Municipal Corporation for the past several decades. He brings to our notice that the caste certificate is dated 5th November, 1990. The petitioner joined the post of Clerk/Store Keeper in respondent no. 3 corporation on 21st July, 1994. As a result of this adverse order of the committee, he would lose his job. Therefore, Mr. Mendadkar submits that this court should pass an order protecting the services of the petitioner for a period of four weeks so as to enable him to file a substantive petition challenging the order of the Caste Scrutiny Committee.

5. This request is opposed by respondent no. 3.

6. After having heard the counsel on this point, we are of the opinion that the order is passed by the Caste Scrutiny Committee, Nandurbar. The caste certificate issued in favour of the petitioner by the Executive Magistrate, Dhule, District Dhule has

been invalidated. Therefore, keeping open the issue and objection of territorial jurisdiction, we continue the ad-interim order passed by this court in the present petition for a period of four weeks from today. That would be without prejudice to the rights and contention of both sides. Passing of such an order does not create any equities far from expression of any opinion on the merits of the controversy. All contentions of both sides in that regard are kept open.

7. The writ petition is accordingly disposed of.

(B.P.COLABAWALLA, J.)

(S.C.DHARMADHIKARI, J.)