

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 537 OF 2016

Bhagvat Shivaram Pawar

..Petitioner

Versus

State of Maharashtra and ors

..Respondents

Mr. R. K. Mendadkar, for the petitioner.

Mrs. M. P. Thakur, AGP for the Respondent State.

**CORAM : RANJIT MORE &
DR. SHALINI PHANSALKAR JOSHI, JJ.**

DATE : 1st APRIL, 2016.

P. C. :

1. Heard Mr. Mendadkar, learned counsel for the petitioner and Mrs. Thakur, learned AGP for the State.

2. By this petition, the petitioner is seeking direction to respondent No.4 Scrutiny Committee to expedite its decision for grant of Caste Validity Certificate to the petitioner. The learned counsel for the petitioner invited our attention to the order dated 14th December, 2007 passed by the Division Bench of this Court in Writ Petition No.4294 of 2006. By the said order, respondent No.2 is directed to hear and dispose of the petitioner's application for grant of certificate of validity in respect of caste certificate dated 14.8.1998 issued by the Sub Divisional Magistrate, Pachora, District: Jalgaon, within a period of eight weeks from the date of receipt order.

3. It is not disputed that the respondent No.4 has not complied with the said order dated 14th December, 2007. No explanation is forthcoming as to why this order has not been complied. Prima facie, we are of the opinion that the respondent No.4 has committed breach of the said order. The learned AGP, however, has placed on record a letter dated 30.3.2016, issued by the Joint Commissioner, Scheduled Tribe and Scheduled Caste Scrutiny Committee, Nandurbar. By this letter the learned AGP is informed that the petitioner is called for hearing on 6th April, 2016 and the validity of his caste certificate will be decided within a period of one month from 6th April, 2016. The said letter is taken on record. Statement of the Joint Commissioner made in the said letter is accepted. The learned AGP also assures that the validity of caste certificate of petitioner will be decided within the period referred above. In these circumstances, we are not inclined to proceed further against respondent No.4 for breach of order dated 14th December, 2007.

5. So far as relief in terms of prayer clause(c) of the petition is concerned, the petitioner has sought direction to respondent Nos. 2, 3 and 5 to consider the case of the petitioner for promotion to the post of Maharashtra Education Service Group B category on the basis of seniority and confidential reports of the petitioner under reserved category of Scheduled Tribe. As respondent No.4 has already undertaken to decide validity of the caste certificate of the petitioner

within a period of one month, we are not inclined to grant this relief at this stage.

6. The petition is disposed of in above terms.

[DR. SHALINI PHANSALKAR JOSHI, J.]

[RANJIT MORE, J.]