

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 WRIT PETITION NO. 5211 OF 2017

SANTOSH KISHANRAO MISALWAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondents/State : Mrs. A.V. Gondhalekar
Advocate for Respondent No.4 : Mr. Bondar

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**CORAM : S.V. GANGAPURWALA &
MANGESH S. PATIL, JJ.
DATE : 20.09.2017**

P.C. :-

. The petitioner assails the order dated 23.03.2017 cancelling and confiscating the Tribe certificate of the petitioner and authorising the respondent no.3 to inquire and register offence against the present petitioner.

2. Mr. Vibhute, the learned counsel submits as per the policy of the Government pursuant to the Government resolution dated 18.05.2013, the petitioner had applied for the certificate of Sonar O.B.C. The said caste claim of the petitioner has been validated by the committee, the petitioner has surrendered his earlier claim of Scheduled Tribe. According to the learned counsel, as such, it was not necessary for the committee to proceed ahead with the validation proceedings of

Katkari S.T., still the committee has passed the impugned order.

3. Mr. Bondar, the learned counsel for the respondent no.4 submits that the petitioner is the employee of respondent no.4 and now the petitioner is considered form O.B.C. category and his name is placed in the seniority list from O.B.C. category.

4. Considering the above, as pursuant to the policy of the Government, the petitioner had submitted his caste certificate, the same is also validated and the employer has accepted the same and has placed him in the seniority list, then, in that case it was not necessary to proceed ahead with the validation proceedings submitted by the petitioner earlier with regard to his S.T. category.

5. In light of the above, the impugned order is quashed and set aside and it is held that, it is not necessary to proceed with the validation proceedings in respect of petitioner's Katkari S.T. tribe certificate. Writ petition accordingly disposed of. No costs.

[MANGESH S. PATIL, J.]

[S.V. GANGAPURWALA, J.]