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

WRIT PETITION NO. 6706 OF 2017

Durgesh s/o Narayan Thakur,
Age: 26 years, Occu: Business,
R/o. Ganeshpuri, Bhusawal,
Tq. Bhusawal, Dist. Jalgaon

..PETITIONER

VERSUS

1. Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar,
through its Member Secretary

2. District Collector,
Jalgaon, Dist. Jalgaon

3. Municipal Council,
Bhusawal, Tq. Bhusawal,
Dist. Jalgaon
through its Chief Officer

..RESPONDENTS

Mr Mahesh Patil, Advocate holding for Mr.S. S. Phatale, Advocate for
petitioner;
Mrs. P. V. Diggikar, A.G.P. for respondent Nos. 1 & 2

CORAM : K.K. SONAWANE, J.

DATE : 25th May, 2017

ORAL ORDER

The petitioner contested the election of Bhusawal Municipal Council from the constituency declared for Scheduled Tribe candidate and accordingly, he was elected as a Councilor for a term 2016-2020. The caste certificate of the petitioner has been referred for verification to the respondent no.1 – Committee, but uptill this date, the proposal is still

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pending and no any communication is received from the respondent no.1 – Committee. The petitioner has an apprehension of adverse action on account of his failure to produce caste validity certificate within the stipulated period, as prescribed under law.

2. In view of the factual score, the present petition can be disposed of by issuing directions to the respondent no.1 – Committee for expeditious action and decision on the proposal of the petitioner for verification of his caste certificate. Hence, the respondent no.1 – Committee is hereby directed to expeditiously decide the caste claim of the petitioner at the earliest, preferably within a period of six months from today.

3. In the meanwhile, in view of the order passed by the Honourable Supreme Court on 13th February, 2017 in Petition (S) for Special Leave to Appeal (C) No.(S) 29874-29875/2016, the respondents are directed not to take any coercive action against the petitioner on the ground of his failure to submit validity certificate uptill decision of the respondent no.1 - Scrutiny Committee pertaining to caste claim of petitioner.

4. With the directions as above, Writ Petition stands disposed of.

(K.K. SONAWANE, J.)

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