

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

WRIT PETITION NO.:6721 OF 2014

Balu Daga Koli

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:2614 OF 2014

Nilima Balu Koli

VERSUS

The State Of Maharashtra And Others

WITH

WRIT PETITION NO.:2616 OF 2014

Namrata Balu Koli

VERSUS

The State Of Maharashtra And Others

Mr.Bayas Anandsing, Advocate for Petitioners.
Mr.P.S.Patil, A.G.P. for Respondent/State Authorities.

**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 25th July, 2017

PC.:

1 In all these petitions, the notices were issued and this Court granted interim protection. One such order passed on 06.08.2014 in Writ Petition No.6721/2014 reads thus:-

"1. Issue notice to respondents returnable on 04th September, 2014. Learned GP waives notice on behalf

of respondent nos.1 and 3. Learned counsel Mr.A.B.Tele waives notice on behalf of respondent no.2.

- 2. In the meanwhile, no adverse action be taken against petitioner on the ground of invalidation of his caste certificate.*
- 3. It would be open for the learned counsel for Scrutiny Committee to make available record pertaining to validation claim of real brothers and other relatives of petitioner."*

2 After these petitions were argued for sometime and we expressed our disinclination to interfere in writ jurisdiction, Mr.Bayas, learned Advocate appearing for the Petitioners, on taking instructions, seeks leave to withdraw these petitions, but would submit that a sympathetic view should be taken.

3 He would submit that the Petitioners claim to be "Tokare Koli", Scheduled Tribe, but could not substantiate that claim. Throughout in the orders, the Scrutiny Committee has held that the Petitioners are "Koli". If they are "Hindu Koli" and in the orders passed, a reference is made to this caste as Special Backward Category which also comes within the purview of the Maharashtra Scheduled Castes, Scheduled Tribes, Denotified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000, then, this Court may dismiss the petitions as withdrawn, but should continue the protection granted by

this Court. The Petitioners have been held to be "Koli", Special Backward Category. Hence, all the more, this relief be granted.

4 We are of the view that the Scrutiny Committee held that the Petitioners could not substantiate their claims as belonging to "Tokare Koli", Scheduled Tribe. If, relying upon the observations of the Scrutiny Committee the Petitioners claim to be belonging to "Koli", Special Backward Category, then, interest of justice would be served if we dispose of these petitions as withdrawn, but continue the protection granted by this Court for a further period of EIGHT WEEKS so as to enable the Petitioners to produce the certificates certifying them as "Koli", Special Backward Category. If the certificates are produced within the above period, then, the employer while accepting them, is free to follow the procedure prescribed by law.

5 The Writ Petitions are disposed of with the above directions.