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

WRIT PETITION NO. 6306 OF 2013

**RAJENDRA KISAN ZUNJAR
VERSUS
DIRECTOR OF TOWN PALNUNG, MAH STATE AND ORS**

**Advocate for Petitioner : Deshmukh Mahes S.
AGP for Respondents: Mr.P.S.Patil
Adv.Mr.A.R.Salve for R.3.**

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

DATE : 26/07/2017

PER COURT :-

In this petition, the notice was issued and this Court granted interim protection. One such order passed on 26.08.2013 reads thus:-

" *Issue notice before admission to the Respondents returnable on 23.09.2013.*

Learned A.G.P. waives notice for Respondents No.1 & 2 and Mr.A.R.Salve, advocate waives notice for Respondent No.3.

In the meanwhile, ad interim relief in terms of prayer clause (E). "

2 After this petition was argued for sometime and we expressed our disinclination to interfere in writ jurisdiction, Mr.Deshmukh, learned Advocate appearing for the Petitioner, on taking instructions, seeks leave to withdraw this petition, but would

submit that a sympathetic view should be taken.

3 He would submit that the Petitioner's claim to be "Koli Mahadev", Scheduled Tribe, but could not substantiate that claim. Throughout in the orders, the Scrutiny Committee has held that the Petitioner is "Koli". If he is "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(Regulation of Issuance and Verification of) Caste Certificate Act, 2000, then, this Court may dismiss the petition as withdrawn, but should continue the protection granted by this Court. The Petitioner has 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 Petitioner could not substantiate his claim as belonging to "Koli Mahadev", Scheduled Tribe. If, relying upon the observations of the Scrutiny Committee the Petitioner claims to be belonging to "Koli", Special Backward Category, then, interest of justice would be served if we dispose of this petition as withdrawn, but continue the

protection granted by this Court for a further period of EIGHT WEEKS so as to enable the Petitioner to produce the certificate certifying him as "Koli", Special Backward Category. If the certificate is produced within the above period, then, the employer while accepting them, is free to follow the procedure prescribed by law.

5 The Writ Petition is disposed of with the above directions.

(MANGESH S. PATIL,J.)

(S.C.DHARMADHIKARI,J.)

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