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

**CIVIL APPLICATION NO.14474 OF 2018  
IN/WITH  
WRIT PETITION NO.4386 OF 2017**

Pandurang Dattatraya Aher,  
Age:35 years, Occu: Agri.,  
R/o. Bhatkudgaon, Tq. Shevgaon,  
District Ahmednagar

..APPLICANT

**VERSUS**

1. The State of Maharashtra,  
Through the Secretary,  
Rural Development Department,  
Mantralaya, Mumbai 32
2. Caste Certificate Scrutiny Committee,  
Nashik Division, Nashik Committee No.1,  
Nashik
3. The Divisional Commissioner,  
Nashik Division, Nashik
4. The Additional Collector,  
Ahmednagar
5. The Tahasildar,  
Shevgaon, Tq. Shevgaon,  
District Ahmednagar
6. Bajirao Mahadu Jamdhade,  
Age: 62 years, Occu: Agri.
7. Sarjerao Dhruvbal Najan,  
Age: 45 years, Occu: Agri.
8. Sunanda w/o Arjun Jadhav @  
Sunanda D/o. Vitthal Gaikwad
9. Lilabi w/o Mohan Udamale @  
Lilabai D/o. Balasaheb Durgestm,

(2)

Res.5 to 9 are R/o. Bhatkudgaon,  
Tq. Shevgaon, District Ahmednagar

..RESPONDENTS

Mr V. B. Jagtap, Advocate holding for Mr V. B. Jadhav, Advocate for applicant;  
Mr S. Y. Mahajan, A.G.P. for respondents-State;  
Mr U. U. Wagh, Advocate for respondent Nos.6 to 9

**CORAM : PRASANNA B. VARALE  
AND  
MANGESH S. PATIL, JJ.**

**DATE : 10th December, 2018**

**ORAL ORDER:**

By way of the present application, the applicant prays for liberty to intervene in the present writ petition. The other prayer is, seeking vacation of interim relief granted by this Court by an order dated 28th April, 2017, pursuant to the order passed in Special Leave Petition (Civil) No.29874-29875/2016, dated 23rd August, 2018.

2. Learned Counsel appearing for the applicant submitted that the interim order was passed by this Court on the backdrop of the fact that Special Leave Petition was filed in the Honourable the Apex Court. The interim order was passed by the Honourable the Apex Court and as such, the petitioner was permitted by way of interim order.

3. Learned Counsel for the applicant then submitted before us that subsequently the Honourable the Apex Court, in its detailed order dated 23rd August, 2018 dealt with the issue in respect of invalidation of caste

(3)

claim and protection granted on the backdrop of the judgment passed by the Full Bench of this Court. The Honourable the Apex Court observed that the High Court rightly came to the conclusions and there is no good ground to hold the provision to be directory and it further observed that the High Court has supported its decision by weighty reasons to hold that reading the provisions to be directory would virtually amount to rendering the same to be negatory. Resultantly, the Special Leave Petition was dismissed along with the pending applications.

4. Learned Counsel for the applicant further submitted that the State Government amended the provisions to the basic Act and even the amended provision was the subject matter of challenge before this Court and by an order dated 29th November, 2018 in Writ Petition No.13044 of 2018, the same was rejected. He fairly admitted the fact situation, namely, the interim order was granted on the backdrop of the pendency of Special Leave Petition and the interim order was passed by the Honourable the Apex Court and now the Special Leave Petition is dismissed and the issue is set at rest.

5. Considering the aforesaid points, we are of the opinion that the applicant is not only justified in submitting before us for vacation of the interim order but on the backdrop of the facts that the petitioner has failed to submit his validity certificate within a stipulated period and the provisions of the Act came into play. As the petitioner cannot occupy the post and

(4)

continue the post to which he was selected on the basis of a belated validity certificate, the petition naturally becomes meritless.

6. This being the position, we see no reason even to keep the petition pending in this Court. The petition, thus, being now thoroughly meritless, same deserves to be dismissed and is dismissed accordingly. In view of our order, the civil application is also disposed of.

The authenticated copy of this order be supplied to learned Asstt. Govt. Pleader.

**(MANGESH S. PATIL, J.)**

**(PRASANNA B. VARALE, J.)**

sjk