

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO.12446 OF 2018

Yogesh Madhavrao Mahale : Petitioner.
Versus
State of Maharashtra
Through its Secretary
Tribal Development Department & ors. : Respondents.

Ms. Priyanka Shaw I/by Mr. R K Mendadkar for the Petitioner.
Mrs. Ashwini A Purav AGP for the Respondent/State.

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.**
DATE : 30th OCTOBER 2018

P.C.

1 Leave to amend is granted so as to join the District Caste Certificate Scrutiny Committee, Nandurbar as a party Respondent. Amendment to be carried out forthwith.

2 The only relief sought by way of the above Writ Petition is to direct the Respondent No.2A Committee to decide the caste claim of the Petitioner within the particular time frame.

3 The Petitioner is working as a Peon with the Respondent No.3 – Kalyan Dombivali Municipal Corporation. A show cause notice was issued to the Petitioner on 08/12/2010 asking him to produce the caste validity certificate. It is an undisputed position that the Petitioner's tribe claim is

pending before the Respondent No.2A – Committee since the year 2007.

4 We therefore direct the Respondent No.2A – Committee to decide the tribe claim of the Petitioner latest by 30/04/2019. Until the Petitioner's tribe claim is decided by the Respondent No.2A – Committee, no coercive steps be taken against the Petitioner for non-production of caste validity certificate in respect of the service of the Petitioner on the basis that the Petitioner continues to be in service notwithstanding the said notice dated 08/12/2010. The Petitioner to appear before the Respondent No.2A – Committee on 14/1/2018. Thereafter the Respondent No.2A – Committee to decide the tribe claim of the Petitioner within the outer limit fixed by the instant order. With the directions as aforesaid, the above Writ Petition is disposed of.

[NITIN W. SAMBRE, J]

[R. M. SAVANT, J]