

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 11954 OF 2018**

**Dipak s/o Abhiman Chavan
Vs.
State of Maharashtra & Ors**

**..Petitioner
..Respondents**

**Mr. A. V. Patil for the Petitioner
Mr. A. I. Patel Addl G. P. for the Respondent State**

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 19^h OCTOBER, 2018**

P.C.

1 The Petitioner being aggrieved by the Notice dated 18-9-2018 issued by the Deputy Commissioner of Police, Head Quarters, Nashik City, by which Notice the Petitioner is directed to produce the caste validity certificate within 6 months, failing which a unilateral decision would be taken to terminate the Petitioner's service, has filed the above Writ Petition.

2 The Petitioner has joined the Police force in the year 1999 as a Constable. The Petitioner was thereafter promoted to the post of Police Naik and is presently discharging the duties as Police Naik. The Petitioner has been appointed as a Police Constable in the post meant for the Scheduled Tribe. The Petitioner claims to belong to Thakur-Scheduled Tribe and his caste certificate was referred to the Scheduled Tribe Certificate Scrutiny Committee, Nashik, on 5-10-2010 for validation. It is an undisputed position that the said

proceedings are as yet pending.

3 For the nature of the directions we propose to issue, the need to issue notice to the Respondents is obviated. However, the Learned Addl GP Mr. Patel appears for the Respondent Nos.1 and 2. In view of the fact that the Petitioner's continuance in service is contingent upon he producing the tribe validity certificate and since the Petitioner's tribe claim is pending before the Scheduled Tribe Certificate Scrutiny Committee, Nashik, we deem it appropriate to direct the Respondent No.3 to hear and decide the Petitioner's tribe claim latest by 28-2-2019. Until then the Petitioner's service not to be terminated. The Petitioner to appear before the Scheduled Tribe Certificate Scrutiny Committee, Nashik, on 29-10-2018 at 11.00 a.m.

4 With the directions as aforesaid, the Writ Petition is disposed of.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]