

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.12380 OF 2018**

Kishor s/o Kashinath Suryawanshi : Petitioner.

Versus

**State of Maharashtra
Through Principal Secretary
Home Department and ors. : Respondents.**

**Mr. Akshay Pawar I/by Mr. Anoop Patil for the Petitioner.
Mrs. R M Shinde, AGP for the Respondent/State.**

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.**

DATE : 30th OCTOBER 2018

P.C.

1 The cause for moving the above Writ Petition is the notice dated 06/10/2018 received by the Petitioner from the office of the Respondent No.2 i.e. the Deputy Commissioner of Police (Headquarters) Commissionerate of Police, Nashik City, Nashik. By the said notice the Petitioner has been informed that if he fails to produce the caste validity certificate within one month then unilateral steps would be taken to terminate the Petitioner's services.

2 It is an undisputed position that the Petitioner's tribe claim is pending before the Respondent No.3 – Schedule Tribe Certificate Scrutiny Committee, Nandurbar. It seems that the Petitioner was earlier issued a Caste Certificate in the year 1991 as belonging to Thakur Scheduled Tribe. But thereafter in the course of the proceedings before the Caste Scrutiny

Committee the Petitioner was directed to procure the caste certificate in the prescribed form from the concerned authority. The Petitioner accordingly produced the said certificate before the Caste Scrutiny Committee some time in the year 2017. The Petitioner's caste claim as indicated above is pending before the Respondent No.3 – Committee and it is during such pendency the notice dated 06/10/2018 came to be issued to the Petitioner.

3 In our view, considering the fact that the Petitioner's tribe claim is pending before the Respondent No.3 – Committee and since continuation of the Petitioner would hinge upon the decision that would be rendered by the Respondent No.3 – Committee, it would be just and proper to decide the tribe claim of the Petitioner expeditiously and not later than 30/04/2019. Until the Petitioner's tribe claim is decided by the Respondent No.3 – Committee, no coercive steps to be taken against the petitioner for non-production of the caste validity certificate. The Petitioner to appear before the Respondent No.3 – Committee on 14/11/2018. The Respondent No.3 – Committee thereafter 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]