

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St. NO. 30194 OF 2018**

Mahesh Vasant Salunke

..Petitioner

Vs.

State of Maharashtra & Ors

..Respondents

Mr. R. K. Mendadkar a/w Ms Priyanka Shaw for the Petitioner

Mrs. R. M. Shinde AGP for the Respondent State

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 24th OCTOBER, 2018**

P.C.

1 The above Writ Petition has been filed seeking a direction to decide the caste claim of the Petitioner within a particular time frame. The Petitioner also challenges the show cause notice dated 6-10-2018 issued by the Respondent No.3.

2 It seems that the Petitioner had submitted a caste certificate as belonging to Thakur-Scheduled Tribe whilst joining the police force as Police Constable in the Nashik Commissionerate. The Petitioner's tribe claim was referred to the Respondent No.2 Scheduled Tribe Certificate Scrutiny Committee (for short STCS Committee). The STCS Committee directed the Petitioner to procure a fresh caste certificate in Form C as appearing in the Rules 2003 framed under the Caste Certificate Act 2001. The Petitioner has accordingly procured the caste certificate in Form C which is dated 15-10-2016 and which was accordingly submitted to the STCS Committee on 5-3-2018. It appears that during the pendency of the Petitioner's caste / tribe claim that the

impugned notice dated 6-10-2018 came to be issued by the Deputy Commissioner of Police, Head Quarters, Nashik calling upon the Petitioner to show cause as to why coercive action be not taken against the Petitioner for not producing the caste validity certificate within the time frame stipulated under the Act. As indicated above it is after the receipt of the said show cause notice that the Petitioner has rushed to this court.

3 In view of the fact that the Petitioner's tribe claim is pending before the STCS Committee and since the decision of the STCS Committee would have an impact in so far as the continuance of the Petitioner in service as the Police Constable, we direct the STCS Committee to decide the tribe claim of the Petitioner latest by 31-5-2019 by giving proper opportunity to the Petitioner. Until the Petitioner's tribe claim is decided, no coercive steps to be taken against the Petitioner on the ground that the Petitioner has not produced the caste validity certificate. The Petitioner to appear before the STCS Committee i.e. the Respondent No.2 on 1-11-2018, the STCS Committee thereby to decide the tribe claim of the Petitioner within the outer limit fixed by the instant order.

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

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]