

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

906 WRIT PETITION NO. 11804 OF 2016  
WITH  
CIVIL APPLICATION NO. 6432 OF 2019  
IN WP/11804/2016

WASUDEO EKNATH THAKUR  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

...  
Advocate for Applicant : Mr.Barlinge S.R.  
AGP for Respondent Nos. 1 & 2 : Mr. K.N. Lokhande  
...

**CORAM : PRASANNA B. VARALE AND  
AVINASH G.GHAROTE, JJ.**

**DATED : 13<sup>th</sup> SEPTEMBER, 2019.**

ORAL ORDER :

Heard Mr. Barlinge, learned counsel for the  
applicant/petitioner.

2. The applicant/petitioner, by way of the  
present petition, raises a challenge to the  
order/notice dated 19/21.11.2016, issued by the Chief  
Executive Officer, Zilla Parishad, Thane. By the said  
order the applicant/petitioner was informed that the  
claim of the applicant/petitioner is pending before the  
Competent Scrutiny Committee. As the petitioner failed

to submit the 'Validity Certificate' in spite of notice, in view of the provisions of The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, Vimukta Jatis, Nomadic Tribes, Other Backward Classes and Special Backward Category (Regularisation of Issuance and Verification of Caste Certificate) Act, 2000, the petitioner has to submit proper explanation and if the explanation is not satisfactory, the petitioner would be subjected to termination of his services.

3. The Division Bench of this Court, by an order dated 29.11.2016, was pleased to observe that there is inordinate delay by the Committee and while the Committee was directed to submit its explanation, the petitioner was protected by way of an interim relief.

4. In order dated 7.6.2019, the Division Bench of this Court, to which, one of us was party

(**Prasanna B. Varale, J.**) observed that in spite of notice issued to respondent No. 3, respondent No. 3 failed to cause his appearance before this Court. A fresh notice was also issued to respondent No. 3. The interim relief granted to the petitioner was continued.

5. The learned AGP appearing for the Committee submitted explanation for the delay caused in the decision of the pending claim of the petitioner and also submitted before this Court that the Committee is ready to offer an opportunity of hearing to the petitioner and on the petitioner's appearance on further date, the Committee would decide the claim of the petitioner as early as possible. The learned Counsel Mr. Barlinge, appearing for the applicant/petitioner submits that the petitioner is ready to extend all necessary cooperation to the Committee for early decision of the claim.

6. Accepting the statement of learned counsel Mr. Barlinge, by an order dated 7.6.2019 and 20.9.2019, the Committee was directed to decide the pending claim of the petitioner expeditiously and not later than eight weeks from today.

7. Today the learned counsel Mr. Barlinge, appearing for petitioner/applicant as well as the learned AGP brought to our notice certain developments in the pending claim of the petitioner. It was submitted before us that the petitioner appeared before the Committee on 24.6.2019 and as the petitioner had not received copy of vigilance Cell report which was received subsequent to the appearance of the petitioner before the Committee, the petitioner is entitled to submit his reply within the stipulated period of fifteen days and this period expires on 17.9.2019.

8. The AGP, on instructions submitted that on

submitting the reply before the Committee by the petitioner the Committee would decide the claim of the petitioner expeditiously.

9. We accept the submission of the learned AGP as an undertaking to this Court and direct the Committee to decide the claim within six weeks from the date of receipt of reply from the petitioner/applicant.

10. Now certain subsequent events lead/prompt us to express our displeasure on the approach of respondent No. 3, the Chief Executive Officer, Zilla Parishad, Thane. The petitioner is protected by an interim order of this Court. In spite of notice being issued to respondent No. 3 and being served on respondent No. 3, respondent No. 3, Zilla Parishad, Thane, failed to cause its appearance before this Court. It seems that it is only interested in issuing notices to the petitioner in spite of interim relief

granted in favour of applicant/petitioner, way back on 29.11.2016 and continued by this Court by an order dated 7.6.2019. It is not in dispute that the interim order was served upon respondent No. 3.

11. Considering this fact situation, we direct respondent No. 3 not to take any adverse action against the petitioner, till the decision of the Scrutiny Committee, on the Caste Claim of the petitioner pending before the Committee for its decision. Needless to state that if, the claim of the petitioner is rejected, respondent No. 3 may take appropriate action under the provisions of law.

12. Writ Petition No.11804 of 2016 is disposed of with above directions. Needless to state that in view of the disposal of above mentioned Writ Petition, no orders are required to be passed in Civil Application No. 6432 of 2019, therefore Civil Application No. 6432 of 2019 is also disposed of accordingly.

13. The learned AGP to communicate this order to the Office of the Chief Executive Officer, Zilla Parishad, Thane. Though we are aware that the learned AGP may not represent the Chief Executive Officer, the Zilla Parishad, Thane, but we request the learned AGP to communicate this order of this Court to the office of the Chief Executive Officer, Zilla Parishad, Thane.

**(AVINASH G. GHAROTE)**  
**JUDGE**

**(PRASANNA B. VARALE)**  
**JUDGE**

mahajansb/