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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.947 OF 2019**

Ganesh Vishnupant Sonawane]
Age: 27 years, Occ: Service]
having Office at Village Abdul-Laat]
Tal-Shirole, Dist. Kolapur] Petitioner.

V/s

1] Sub-Divisional Officer Ichalkaranji]
having Office at Ichalkaranji]
Tal – Ichalkaranji, Dist – Kolhapur]
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2] Deputy Collector Nashik]
having Office at Collector Kacheri]
Premises Nashik, Dist-Nashik]
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3] State of Maharashtra]
Through its Revenue Secretary,]
Revenue Department,]
Mantralaya, Mumbai]
]]
4] Caste Scrutiny Committee]
Nashik Division, Dist: Nashik] Respondents.

Mr. Bhushan U. Deshmukh for the Petitioner

Mr. P.G. Sawant, AGP for Respondent/State.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 24th January, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

- 1] Leave to amend. Amendment be carried out forthwith.
- 2] Rule. Rule is made returnable forthwith. Heard by consent of parties.
- 3] Petitioner has approached this Court being aggrieved by notice dated 5/1/2019, calling upon the Petitioner to submit a validity certificate within a period of seven days and further informing him that on failure to comply with the same, his services shall be terminated.

4] Petitioner has been appointed as Talathi against the post reserved for Scheduled Tribe. Petitioner is claiming to be belonging to Koli Mahadev Scheduled Tribe. Though, the claim of the Petitioner is pending before the Caste Scrutiny Committee for considerable period of time, the same has not yet been decided. It is not in the hands of the candidate as to within how much period the Caste Scrutiny Committee would decide the claim of the candidate. However, on account of delay on the part of the Caste Scrutiny Committee in deciding the claim expeditiously, the candidate cannot be penalised.

5] In that view of the matter, we are inclined to allow the Petition in the following terms :-

(i) Respondent No.4 – Caste Scrutiny Committee is directed to decide the claim of the Petitioner as expeditiously as possible and preferably within a period of six months from today.

(ii) Till the decision on the claim of the Petitioner

and, in the event, the order adverse to the interest of the Petitioner is passed, for a period of three weeks from the receipt of such communication by the Petitioner, no coercive steps shall be taken against the Petitioner on the ground of non-submission of the validity certificate.

(iii) Rule is made absolute in the aforesaid terms.

However, there shall be no order as to costs.

(N.J. JAMADAR, J.)

(B. R. GAVAI, J.)