

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 800 OF 2019

Kiran Balkrishna Koyal	]	
Aged 46 years, residing at	]	
Flat no.A-303, 3 rd Floor, D/3A,	]	
Sai Villa Cooperative Housing Society,	]	
Pt. Madanmohan Malviya Marg,	]	
Nav Maharashtra Nagar, M.P. Mill	]	
Compound, Tardeo, Mumbai- 400 034	]	.. Petitioner

Vs.

1. State of Maharashtra	]	
through its Secretary,	]	
Tribal Development Department	]	
Mantralaya, Mumbai 400 032.	]	
	]	
2. Scheduled Tribe Certificate	]	
Scrutiny Committee, Amaravati	]	
through its Member Secretary,	]	
having its office at Irwin Chowk,	]	
Amaravati, Dist. Amravati.	]	
	]	
3. Municipal Corporation of	]	
Greater Mumbai through its	]	
Commissioner, having its office	]	
at Municipal HQ, Oppose CSMT	]	
Nagar Chowk, Fort, Mumbai-1.	]	
	]	
4. Deputy Chief Security Officer,	]	
Circle-1, E-Ward Corporation	]	
Building, 3 rd Floor, Byculla,	]	
Mumbai 400 008.	]	.. Respondents

Mr.Ramchandra Kanu Mendadkar, Advocate for petitioner.

Mr.Jernold Joseph Xavier, Advocate for respondent Nos.2 and 3.

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

DATE : 26TH FEBRUARY 2019

ORAL JUDGMENT (PER B.R. GAVAI, J.)

1 Rule. Rule is made returnable forthwith and by consent of the parties, heard finally.

2 The petitioner has approached this Court being aggrieved by the action of respondent Nos.3 and 4 thereby withdrawing the salaries and allowances of the petitioner on the ground of non-submission of the caste validity certificate. 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.

3 The learned AGP states that respondent No.2 shall decide the claim of the petitioner within a period of three months from today.

4 In that view of the matter, we are inclined to allow the petition in the following terms :-

(i) Respondent No.2-Caste Scrutiny Committee is

directed to decide the claim of the petitioner as expeditiously as possible and preferably within a period of three 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.

5 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.]