

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1485 OF 2019

Hemant Prabhakar Thakur]
aged 41 years, residing at]
C-103, OM Shri Surya Darshan]
Cooperative Housing Society Ltd.]
Near Shani Temple, Katemanevali]
Kalyan (East), Dist. Thane-421306]..... Petitioner.

versus

1] State of Maharashtra]
Through its Secretary, Tribal]
Development Department]
Mantralaya, Mumbai – 400032]
]
2] Scheduled Tribe Certificate]
Scrutiny Committee, Konkan]
Division, Thane through its]
Member Secretary having its]
Office at Vartak Nagar Ward]
Committee Office, Vedant]
Complex, Opp. Kores Company]
Vartak Nagar, Thane (W),]
Dist. Thane.]
]
3] Commissioner of Police]
Greater Mumbai, having its]
office near Crawford Market,]
Fort, Mumbai – 400 001]
]
4] Additional Commissioner of]
Police (West Region)]
having its office at Carter Road,]
Bandra (W), Mumbai]..... Respondents.

Mr. R K Mendadkar a/w Ms. Priyanka Shaw for the Petitioner.
Mrs. R A Salunkhe, AGP, for the Respondents/State.

**CORAM : B. R. GAVAI &
N. J. JAMADAR, JJ**
DATE : 21st February 2019

ORAL JUDGMENT : [PER B.R.GAVAI, J.]

1 Rule. Rule made returnable forthwith. Heard by consent of the parties.

2 It is the grievance of the Petitioner that though his case for consideration of validity of his claim as belonging to Thakur Scheduled Tribe is pending before the Respondent No.2 – Scheduled Tribe Certificate Scrutiny Committee, Konkan Division, Thane, Respondent Nos. 3 and 4 will take coercive action against the petitioner for want of caste validity certificate. On the ground of non-supply of validity certificate the Petitioner cannot be penalized for inaction on the part of the Respondent No.2 in deciding the claim of the Petitioner within the stipulated period.

3 The learned AGP states that the claim of the Petitioner would be decided within the period of three months.

4 In that view of the matter, the Petition is allowed in the following terms.

- A] The Respondent No.2 is directed to decide the claim of the Petitioner as expeditiously as possible and preferably within a period of three months.
- B] Till the decision of the committee and in the event the decision of the committee goes adverse to the Petitioner, 3 weeks from the receipt of the communication by the Petitioner, no coercive steps on the ground of non-submission of validity certificate to be taken against the Petitioner.
- C] Rules is made absolute in the aforesaid terms. The Petition is disposed of.

[N. J. JAMADAR, J]

[B. R. GAVAI, J]