

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1794 OF 2019

Gorakh B. Charane.

..Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. S. N. Birajdar I/b D. R. Shinde, for the Petitioner.

Smt. M. S. Shrivastava, AGP for the Respondent-State.

Coram : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.

Date : **March 12, 2019.**

P. C. :

1. The Petitioner claims to be belonging to Koli Mahadev tribe - a scheduled tribe. Accordingly, on 3rd August 1991 he obtained caste certificate from the executive magistrate. In the year 2001, the Petitioner got employment with Respondent No.3. The Petitioner's employer / management thereafter in the year 2004 submitted the caste certificate of Petitioner to the caste scrutiny committee for verification / validation. In the year 2015, the caste scrutiny committee found that the caste certificate submitted by the Petitioner is not in proper format and therefore invalidated the said caste certificate of the Petitioner. At the same time, however, the caste scrutiny committee granted liberty to the Petitioner to obtain fresh caste certificate. On 28th May 2015, the Petitioner obtained fresh caste

certificate and same was again forwarded to the caste scrutiny committee on 25th February 2016 for verification of the same. Evidently, the caste scrutiny committee as on today has not completed the scrutiny in respect of Petitioner's caste claim. The Petitioner, therefore, apprehending that his services would be terminated, has approached this Court seeking directions to the caste scrutiny committee to decide his caste claim.

2. For the inability of caste scrutiny committee, the Petitioner cannot be made to suffer. The Petitioner also cannot be punished for no fault of his own.

3. In the circumstances, we deem it convenient to *dispose* of this petition by passing following order :

:- ORDER :-

[1] Respondent No.2-caste scrutiny committee is directed to scrutinise the caste claim of the Petitioner as expeditiously as possible and preferably within the period of **six months** from the date of receipt of a copy of this order.

[2] The caste claim of the petitioner shall be decided independently, on its own merits and in accordance with law. This order shall not be construed as an expression of any opinion on merits of the matter.

[3] Till the Petitioner's caste claim is decided / scrutinized by the caste scrutiny committee, Respondent No. 3 shall not take coercive steps against the Petitioner.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]