

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

**WRIT PETITION NO.5584 OF 2017**

|                                            |                      |
|--------------------------------------------|----------------------|
| <b>Shri. Dhairyasheel Suryaji Gaikwad</b>  | <b>..Petitioner</b>  |
| <b>Versus</b>                              |                      |
| <b>The State of Maharashtra and others</b> | <b>..Respondents</b> |

**Mr. Drupad S. Patil, Advocate for the Petitioner.**  
**Mr. P. G. Sawant, AGP for the Respondent - State.**

**CORAM : B. R. GAVAI &  
N. J. JAMADAR, JJ.  
DATE : 24<sup>th</sup> JANUARY, 2019**

**P.C.**

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

2] The Petitioner has approached this Court since though the claim of the Petitioner claiming to be belonging to “Thakar” Scheduled Tribe is pending since long before the Respondent No.2 – Scrutiny Committee and on account of non-submission of Caste Validity Certificate, the Petitioner has been served with a notice by Respondent No.3 dated 2<sup>nd</sup> July 2016, directing him to submit the Caste Validity Certificate within a period of one month from the said date, failing which his services shall stand terminated.

3] It is the case of the Petitioner that the claim of the Petitioner's real brother has already been validated.

4] It is not in the hands of the Petitioner as to within how much time, the Respondent No.2 – Scrutiny Committee would decide the claim of the Petitioner. However, on account of non-decision of the Respondent No.2 – Scrutiny Committee, the Petitioner cannot be panalized. In that view of the matter, we are inclined to allow the Petition in the following terms :-

- I) The Respondent No.2 – Scrutiny Committee is directed to decide the claim of the Petitioner as expeditiously as possible and in any case, within a period of six months from today.
- II) Till the Respondent No.2 – Scrutiny Committee decides the claim of the Petitioner and in the event the order passed by the Respondent No.2 – Scrutiny Committee is adverse to the interest of the Petitioner, no coercive steps to be taken against the Petitioner on the ground of non-submission of Caste Validity Certificate, for three weeks thereafter.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]