

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

WRIT PETITION NO. 1914 OF 2019

Suyog s/o Shridhar Thakar,	]	
Age – 39 years, Occ. Service,	]	
R/o. A/p. Ashiye Thakarwadi,	]	
Tq. Kankavli, Dist. Sindhudurg.	]	.. Petitioner
Vs.		
1. The State of Maharashtra	]	
Department of Tribal Development,	]	
Mangralaya, Mumbai-32	]	
Through its Secretary.	]	
	]	
(Copy to be served on the Government	]	
Pleader, High Court of Judicature at	]	
Bombay.)	]	
	]	
2. The Scheduled Tribe Certificate	]	
Scrutiny Committee,	]	
Konkan Division, Thane,	]	
Through its Member Secretary.	]	
	]	
3. Divisional Joint Director of Agriculture	]	
Konkan Division, Thane	]	
Tq. & Dist. Thane.	]	
	]	
4. The District Superintending Agriculture	]	
Officer, Sindhudurg	]	
Tq.& Dist. Sindhudurg	]	.. Respondents

Ms.Anita Gavkar holding for Mr. S.C. Yeramwar, Advocate for petitioner.

Mrs.R.A. Salunkhe, AGP for respondent Nos.1 to 4.

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

DATE : 20th FEBRUARY 2019

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

1. Rule. Rule is made returnable forthwith. Heard by consent of parties.
2. The petition impugned the Show Cause Notice, dated 7th February 2019, vide which, the petitioner has been informed by the respondent No.4 that if he fails to furnish the caste validity certificate before 15th February 2019, his services shall stand terminated.
3. The petitioner was appointed as Peon by respondent No.4. The petitioner belongs to Thakar-Scheduled Tribe. Though the claim of the petitioner is pending before the respondent No.2-Caste Scrutiny Committee since 3rd August 2004, the same has not yet been decided. The candidate cannot be penalised for the delay on the part of the Caste Scrutiny Committee. Apart from that, in the reply filed by respondent No.2, it is stated that the claim of the petitioner will be decided as early as possible, and, in any case, within a period of three months.
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.]