

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

WRIT PETITION NO.4000 OF 2019

Smt. Meena Subhash Aher
@ Kum. Meena Ramdas Thakur (Pawar)Petitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION STAMP NO.9651 OF 2019

Shri Deepak Bhatu GaikwadPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION NO.4002 OF 2019

Shri Vijay Jagannath ThakurPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION NO.4003 OF 2019

Mrs. Shilpa Jay WaghPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION NO.4004 OF 2019

Shri Rajesh Mahadeo ThakurPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION NO.4005 OF 2019

Shri Jagdish Shantaram AhirePetitioner
versus
State of Maharashtra and 2 ors.Respondents

with

WRIT PETITION NO.4007 OF 2019

Shri Sandesh M. ThakurPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with
WRIT PETITION NO.4008 OF 2019

Shri Jagannath Rambhau ZankarPetitioner
versus
State of Maharashtra and 2 ors.Respondents

with
WRIT PETITION NO.12087 OF 2019

Shri Madhusudan Murlidhar ChavanPetitioner
versus
State of Maharashtra and 2 ors.Respondents

Mr. R. K. Mendadkar, advocate for the petitioner.
Mr. R. A. Salunkhe, AGP for the State
Mr. S. V. Marne, advocate for the respondent No.3.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 29th MARCH, 2019.

P. C. :

1. Writ Petition Stamp No.9651 of 2019 is not on board.
However, since the connected matters are on board today, the said matter is taken up for hearing.

2. Heard learned counsel and learned AGP appearing for the respective parties.

3. The petitioner in writ petition No.4000 of 2019 is challenging the communication dated 4th December, 2018 and the petitioners in rest

of the petitions are challenging the communication dated 17th November, 2018 of the Commissioner of the respondent No.3-Nashik Municipal Corporation. By the said communication, the petitioners were directed to submit caste validity certificate before 31st March, 2019, and on failure thereof, their services would stand terminated automatically.

4. It is the case of the petitioners that they belong to ST category and after getting employment with the respondent No.3-Corporation, their caste certificates were sent to the respondent No.2-Caste Scrutiny Committee. The proceedings of the petitioners for grant of caste validity certificate is pending before the respondent No.2- Committee since last more than 5 years. Earlier, the petitioners had approached this Court by filing various petitions challenging the show cause notice issued by the respondent No.3-Corporation for failure to submit caste validity certificate and those petitions were disposed of by a Division Bench by its order dated 12th October, 2018 and the respondent No.2-Committee was directed to decide the caste or tribe claim of the petitioners on or before 31st March, 2019. On the basis of this order, the communication impugned in the present petition, is issued. As the respondent No.2-Committee failed to decide the validity of the petitioners' caste certificate and consequently the petitioners could not submit the same to the respondent No.3-Corporation, the respondent No.2 filed a separate

application bearing civil application stamp No.9810 of 2019 in writ petition No. 11765 of 2018 along with connected petitions, for extension of time to decide the petitioners' claim. On hearing learned AGP, by passing separate order today, we have extended time to dispose of caste/tribe claim of the petitioners by a period of three months from today. Learned AGP makes a statement that the caste validity certificate of the petitioners would be decided within 3 months and no further extension would be sought.

5. Thus, we find that there is not fault on the part of the petitioners inasmuch as they could not submit the validity certificate, since the respondent No.2-Committee failed to take a decision on the same. In our opinion, the petitioners cannot be made to suffer for the fault of the respondent No.2-Committee.

6. In the peculiar facts and circumstances of the present case and since respondent No.2-Committee has undertaken to dispose of the petitioners caste claim within 3 months from today, we quash and set-aside the impugned communication dated 4th December, 2018 and 17th November, 2018 respectively. The writ petitions are, accordingly, allowed to that extent.

7. In the event, the decision of the respondent No.2-Committee is adverse to the interest of the petitioners, no coercive action shall be taken against the petitioners for a period of two weeks from the date of the communication of the same to the petitioners.

8. In view of disposal of the above petitions, the civil application stamp no. 9357 of 2019 in writ petition No.12087 of 2018 will not survive for consideration and the same is also disposed of.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]