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

WRIT PETITION NO.6146 OF 2018

Ravindranath s/o Narayan Thakur	..Petitioner
Versus	
The State of Maharashtra and others	..Respondents

Mr. S. C. Yeramwar, Advocate for the Petitioner.
Mrs. R. A. Salunkhe, AGP for Respondent Nos.1, 2 & 4.
Mr. A. B. Borkar, Advocate for Respondent No.3.

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

DATE: 28th JANUARY, 2019

P.C.:-

1] Petitioner has approached this Court in peculiar facts and circumstances. Petitioner was appointed on the Establishment of Respondent No.3 against the post reserved for Scheduled Tribe in the year 1992. Since the claim of the Petitioner was against the post reserved for Scheduled Tribe, his claim was sent to Respondent No.4 for considering validity thereof. However, for number of years, Respondent No.4 did not decide the claim. In the meantime, Respondent No.2 was established and since the Petitioner belonged to Nandurbar District, his claim was sent to Respondent No.2.

Unfortunately, in the meantime, original caste certificate of the Petitioner which was deposited with Respondent No.3 was misplaced. Respondent No.2 – Committee has returned the proposal with regard to validity of the Petitioner's claim to Respondent No.3 on the ground that original caste certificate is not submitted alongwith the proposal.

2] Petitioner cannot be penalised only because original caste certificate which was in the custody of Respondent No.3 has been misplaced. Respondent No.3 has also issued notice to the Petitioner as to why his pension should not be stopped. We find that the claim of the Petitioner could not be decided due to reasons which were beyond his control.

3] In that view of the matter, Petition is disposed of in the following terms:-

(i) Respondent No.3 is directed to again forward the claim of the Petitioner to Respondent No.2 alongwith photostat copy of the Petitioner's caste certificate.

(ii) Respondent No.2 is directed to accept the proposal without insisting on the original caste certificate. Respondent No.2 shall consider the validity of the claim of the Petitioner on its own merits.

(iii) Until the decision of Respondent No.2 – Committee on the claim of the Petitioner, Respondent No.3 shall not take any coercive steps against the Petitioner on the ground of non-submission of the validity certificate.

(iv) In the event the order passed by Respondent No.2 – Committee is adverse to the interest of the Petitioner, interim protection shall continue for further period of three weeks from the date of receipt of the order by the Petitioner.

(N. J. JAMADAR, J.)

(B. R. GAVAI, J.)