

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

WRIT PETITION NO.3625 OF 2017

Shirishkumar Bhagawantrao Baviskar	..Petitioner
Versus	
State of Maharashtra and others	..Respondents

Mr. C. K. Bhangoji, Advocate for the Petitioner.

Mr. Y. S. Khochare, AGP for Respondent Nos.1, 2 & 4.

Mr. G. R. Dwivedi a/w Mrs. Neeta V. Masurkar & Ms. Nieyaati Masurkar, Advocate for Respondent No.3.

**CORAM : B. R. GAVAI &
N. J. JAMADAR, JJ.
DATE : 4th JANUARY, 2019**

ORAL JUDGMENT (Per B. R. Gavai, J)

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

2] The Petitioner has approached this Court being aggrieved by the order passed by the Respondent – Scrutiny Committee dated 27th August 2015, thereby invalidating the claim of the Petitioner.

3] Perusal of the order impugned would reveal that the claim is invalidated on the ground that the Caste Certificate, which

was issued to the Petitioner was issued by the Executive Magistrate, Nashik, who was not competent authority inasmuch as the Petitioner belongs to Chopda Tahsil, which is in Jalgaon district.

4] In the present Petition, this Court by an order dated 24th April 2017 after taking into consideration the fact that the Petitioner was in service since 1992, had directed that no coercive steps to be taken against the Petitioner on the basis of the impugned order.

5] During the pendency of the petition, the Petitioner had applied to the competent authority i.e. Sub Divisional Officer, Chopda for grant of Caste Certificate. The Petitioner has in fact been granted Caste Certificate on 24th May 2017. A copy of the same is placed on record and marked as 'X' for identification.

6] Taking into consideration the peculiar facts and circumstances of the case and the fact that the Petitioner is working from 1992 and that now the Petitioner has been granted Caste Certificate by competent authority, we find that the following order would serve the interest of justice :-

ORDER

- I) The Petitioner is directed to submit his original Caste Certificate to Respondent No.3 within a period of 15 days from today.
- II) After the certificate is submitted to Respondent No.3, Respondent No.3 shall forward the proposal for considering the validity of the Petitioner's claim to the Scheduled Caste Tribe Scrutiny Committee, Nandurbar within a period of 15 days from receipt thereof.
- III) The Scrutiny Committee is directed to decide the claim of the Petitioner within a period of six months from today.
- IV) Till the decision on the claim of the Petitioner and in the event the order passed is adverse to the interest of the Petitioner, for a further period of 15 days from the date of receipt of communication,

the interim protection granted by this Court shall
continue to operate.

V) Rule is made absolute in the aforesaid terms, with
no order as to costs.

[N. J. JAMADAR, J.]

[B. R. GAVAI, J.]