

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

CIVIL WRIT PETITION NO.7363 OF 2019

Rajendra Ramkrishna Shritati & Ors. ..Petitioners
V/s.
Union of India
Through Secretary & Ors. .. Respondents

**WITH
CIVIL WRIT PETITION NO.7364 OF 2019**

Kum. Asha Dharma Sonawane
@ Mrs. Asha Chandrakant Kedari & Ors. ..Petitioners
V/s.
Union of India
Through Secretary
Dept of Personnel & Training & Ors. .. Respondents

Mr.C.G. Bhangoji I/b Mr.R.K. Mendadkar for the Petitioners in both
the Writ Petitions.

Ms.Anamika Malhotra for Respondent Nos.1 to 3.

Mrs.Mrs.M.P. Thakur, AGP for the Respondent-State.

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

DATE : 05th JULY 2019

P.C.

1. The petitioners who are the employees of respondent
Nos.2 and 3 for more than a decade have approached this Court
assailing the show cause notices issued to them asking them to show

cause as to why their services should not be terminated on failure to produce the caste validity certificates from the Competent Authority.

2. The petition proceed to state that the petitioners' claims are pending before the respective Scrutiny Committees i.e. respondent Nos.3 to 5.

3. The learned counsel Mr.Bhangoji, invites our attention to the order passed by this Court in Writ Petition No.7036 of 2012 ***Adivasi Samaj Kruti Samiti and Others V/s. Union of India*** and the order passed by the Hon'ble Apex Court granting leave, assailing the judgment passed by this Court. He would submit that since issue of the employees of the Defence Ministry of Union of India in the State of Maharashtra being subjected to the mechanism prescribed in the The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short "Maharashtra Act No.XXIII of 2001) came to be decided for first time on 23.10.2013 and a clear direction came to be issued directing the appointing authority of the Central Government to comply with the requirement of sub-Section (3) of Section-6 of the Act and a

direction was further issued to the Central Government to take an action in accordance with Section 10 of the said enactment, the employees of the Central Government including the petitioners started taking steps for submission of their claim for verification before the Competent Authority. We have taken note of the said directions and also the fact that leave has been granted by the Apex Court against the order/judgment.

4. In light of the aforesaid circumstances, since the petitioners have now made a positive statement that they have submitted the claims to the respective Scrutiny Committees which are competent to scrutinize their claim and grant validity in pursuant to the Caste certificates obtained by them, we deem it appropriate to direct the respective Scrutiny Committees which are seized of the claims of the petitioners to decide their claims as expeditiously as possible and in any contingency within a period of one year. Since the claim of the petitioners are pending scrutiny of the verification Committee, we restrain the respondents from taking any coercive steps against the petitioners pending verification of their caste claim.

Resultantly, we allow the Writ Petition by issuing direction to the respondent Nos.3 to 5-Committees to decide the

claim of the respective petitioners pending before it within a period of one year.

5. We restrain the respondent No.2 from taking any coercive action in any manner awaiting the verification of the caste claim by the respective committees.

Writ Petition is allowed in the aforesaid terms.

(SMT.BHARATI H. DANGRE, J.)

(RANJIT MORE, J.)