

ssp

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.7993 OF 2019

Kaviraj Shrikrushna Gathe ...Petitioner
vs.
State of Maharashtra & Ors. ...Respondents

Mr.C.K.Bhangoji I/b Mr.R.K.Mendadkar for the
Petitioner
Ms M.P.Thakur, AGP for the respondent-State

CORAM : RANJIT MORE AND
SMT. BHARATI DANGRE, JJ.
DATE : JULY 19, 2019

P.C.:

1 The petitioner, Technician working with respondent No.2 has approached this Court seeking limited relief of direction to the respondent No.3 Committee to verify his claim of belonging to Thakur Scheduled Tribe within stipulated period. A statement is made by the petitioner that he has stated his claim before the respondent No.3-Committee on 26th July 2018 through the employer, respondent No.2.

According to Shri Bhangoji the employer is conscious of the fact that the claim of the petitioner is pending with the Respondent No.3-Committee. Despite this on 9th July 2019 the respondent No.2 has issued notice directing production of caste validity certificate before and he was restrained from attending the duties in case

of failure to produce the same.

2 All the learned counsel for the parties at ad idem that the claim of the petitioner is pending before the Committee. We therefore deem it expedient to direct the respondent No.3-Committee to decide the claim within a period of six months. The learned AGP is directed to communicate this order to the respondent No.3-Committee and also to intimate that no further extension would be granted for deciding the claim of the petitioner.

3 Since the claim of the petitioner is pending with the respondent No.3-Committee, we find that the respondent No.2 has committed an error in issuing the impugned notice restraining the petitioner from discharging the duties.

In such circumstances, till the claim of the petitioner is pending with the respondent No.3-Committee, respondent No.2 shall not act upon the impugned notice for a period of six months. The petitioner undertakes to appear before the respondent No.3-Committee on 29th July 2019.

4 In case the claim of the petitioner is decided against him, we grant protection to the petitioner for further period of four weeks. With this directions, Writ Petition is disposed of.

(SMT.BHARATI DANGRE,J.)

(RANJIT MORE,J.)