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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 12668 OF 2019

Nandkishor Chindhu Deore. ...Petitioner.
Versus
State of Maharashtra & Others. ..Respondents.

Mr. R. K. Mendadkar for the Petitioner.
Mr. R. S. Pawar, AGP for the Respondent-State.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.
Date : **December 10, 2019.**

P. C. :

1. Heard the learned counsel appearing on behalf of the Petitioner and the learned AGP for the Respondent-State.
2. By this petition, the Petitioner is seeking direction to Respondent No.2-committee to decide the Petitioner's application dated 4th February 1998 for grant of caste validity certificate as belonging to "Thakur"-scheduled tribe. The Petitioner is also seeking further direction to Respondent No.3-employer not to take adverse action for want of caste validity certificate based upon show cause notice dated 6th December 2019.
3. It is common ground that the Petitioner has been employed by Respondent No.3 since 1984 on a seat reserved for scheduled tribe-Thakur. By the communication dated 4th February

1998, the Deputy Commissioner [Administration], Dairy Development Department, sent the Petitioner's caste certificate to the member secretary of Respondent No.2 for verification of the same.

4. The grievance of the Petitioner is that since 1998, the Petitioner's caste certificate is not verified / certified by Respondent No.2-Committee. The Petitioner also invited our attention to the fact that thtat in the meanwhile his son and daughter have got validity certificates as belonging to "Thakur"-scheduled tribe.

5. Initially, reference for verification of caste claim was made by Respondent No.3 to the caste scrutiny committee at Nashik and the same were transferred to the committee at Nadurbar. The statement of the learned counsel is supported by the averments made in the petition

6. The learned counsel for the Petitioner further submitted that the meeting of the caste scrutiny committee is scheduled on 13th December 2019. He, therefore, seeks direction to Respondent No.2 and meanwhile for protection of his services.

7. Learned AGP does not dispute the facts stated hereinabove and submitted to the orders that would be passed

by the Court.

8. The contention of the Petitioner is supported by documentary evidence at exhibit-B page 11, under which his caste certificate that he belongs to thakur scheduled tribe is sent to the caste scrutiny committee at Nashik. As stated above, these proceedings are subsequently transferred to the committee at Nadurbar. The contention of the Petitioner that his son and daughter were granted validity certificates that they belong to thakur scheduled tribe is supported by documents at page 31 and 32 respectively.

9. In the light of above, we dispose of this petition by passing following order :

-: O R D E R :-

[1] The Petitioner is directed to remain present before Respondent No. 2 on 13th December 2019.

[2] Respondent No. 2 shall hear the Petitioner on 13th December 2019 itself or give a short date, if necessary and decide the caste claim of the Petitioner at the earliest. However, this exercise shall be completed within the period of one month from 13th December 2019.

[3] Till the decision of the Respondent No.2 Committee,

Respondent No.3 shall not take adverse action against the Petitioner on the basis that the caste validity certificate is not submitted by him.

[SURENDRA P. TAVADE, J.]

[RANJIT MORE, J.]