

JPP

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

WRIT PETITION NO. 4646 OF 2015

Sanjay Madhukr Jadhav

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. R.K. Mendadkar i/b. Chintamani Bhangoji for the Petitioner
Mr. Karan Thorat , AGP for Respondent Nos. 1 to 3

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 5 FEBRUARY 2020.

P.C. :-

The Petitioner has challenged the order passed by the Respondent – Scrutiny Committee dated 22 October 2013 holding that the Caste Certificate issued to the Petitioner on 5 December 1992 by the Executive Magistrate, Rajapur, District Ratnagiri as belonging to Beldar-2 (Nomadic Tribe) was issued without jurisdiction. Alternate prayer made by the Petitioner is regarding protection of service in the light of the decision of the Full Bench of this Court in the case of *Arun Vishwanath Sonone v/s. State of Maharashtra* reported in 2015 (1) *Mh.L.J.* 457.

2. As far as the alternate prayer is concerned, in the light of the decision of the Apex Court in the case of *Managing Director, Food Corporation of India v/s. Jagdish Bahira & Ors.* reported in *2017(8) SCC 670*, the decision in the case of *Arun Sonone* is no longer a good law. This prayer cannot be granted.

3. The Respondent – Committee has held that the Petitioner's permanent abode on relevant date in respect of the claim of Nomadic Tribe was not in Rajapur, District - Ratnagiri. The learned Counsel for the Petitioner has sought to contend that under the Caste Certificates Scrutiny Rules, an enquiry is contemplated by the Vigilance Cell, which enquiry would also determine the permanent abode of a candidate. According to the learned Counsel, no satisfactory enquiry has been conducted. We find no merit in this contention. The Petitioner had given his explanation wherein he himself has admitted that his birth was in Belgaum District in the State of Karnataka and it is in 1961 that the Petitioner's family migrated to Maharashtra. Even in the application the Petitioner has given his address of Belgaum. Under these circumstances, if the Committee has concluded that the permanent abode of the Petitioner was in Belgaum and not in Rajapur, there is no error in the same. The Petitioner therefore, if he is desirous of getting a Caste Certificate will have to apply to the Competent Authority.

4. We note that this Petition is pending since the year 2015 and by an ad-interim order dated 7 May 2015, the services of the Petitioner have been protected. Therefore, to give a reasonable opportunity to the Petitioner to approach the Competent Authority, we direct that the ad-interim order shall continue for a period of six months from today.

5. Keeping all contentions of the Petitioner open on merits of his case, the Writ Petition is disposed of.

M.S. KARNIK, J.

NITIN JAMDAR, J.