

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 3836 OF 2013
WITH
WRIT PETITION NO. 6854 OF 2013

Chandrabhan Latkan Baviskar. ... Petitioner.

V/s.

The State of Maharashtra and others. ... Respondents.

Mr.Abhijeet Kandarkar for the Petitioner.

Ms.M.S.Srivastava, AGP for the Respondents.

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

DATE : **6 February 2020.**

P.C. :

Both the petitions are filed by the same Petitioner and are connected and we dispose the same by this common order.

2. By Writ Petition No.3836/2013, the Petitioner has challenged the order passed by the Respondent No.2- Scheduled Tribe Certificate Scrutiny Committee dated 4 November 2011 cancelling the caste certificate issued to the Petitioner as belonging to the Tokare Koli Scheduled Tribe on the ground that the Sub-

Divisional Magistrate, Thane who issued the caste certificate was not competent authority to issue the certificate since the Petitioner's place of residence was not within his jurisdiction.

3. Writ Petition No. 6854/2013 is filed by the Petitioner with a prayer that the order of termination issued by the Respondent No.3 dated 22 March 2013 be quashed and set aside.

4. The Petitioner, on the basis of caste certificate given to him, had applied for appointment and was granted provisional appointment and when the caste certificate was cancelled, his services were terminated. Both these petitions had remained pending. In the meanwhile, the Petitioner has acted on the basis of the impugned order passed by the Scrutiny Committee giving liberty to the Petitioner to obtain caste certificate from the competent authority. The learned counsel for the Petitioner states that the Petitioner now has been issued caste certificate by the competent authority on 30 September 2015. Thus, both these petitions have reached their logical end.

5. As on today, the Petitioner is not in service. The Petitioner now has a caste certificate issued by the competent authority and for appointment he will need to have a validity certificate. The learned counsel for the Petitioner submits that the Respondent- authorities will not be in a position to refer the caste certificate of the Petitioner for verification to the Scrutiny

Committee. We have been informed that the Scrutiny Committee only accepts the caste certificate for verification if it is referred by the employer or the educational institute. In view of facts and circumstances of the case, we are of the opinion that a deviation needs to be made in the case of the Petitioner.

6. We direct that if the Petitioner applies directly to the Scrutiny Committee for verification of his caste certificate now obtained by him, the Scrutiny Committee will accept the said application and decide the proceeding as per law.

7. Keeping all contentions open, both the writ petitions are disposed of.

8. In view disposal of writ petitions, civil applications, if any, do not survive and stand disposed of accordingly.

(M.S. KARNIK, J.)

(NITIN JAMDAR, J.)