

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 6712 OF 2019

Mr. Devidas Baburao Dhulekar and Others. ..Petitioners.

Versus

Union of India and Others.

..Respondents.

Mr. R. K. Mendadkar for the Petitioner.

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

Ms. R. M. Shinde, AGP for the Respondent-State.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.

Date : **January 8, 2020.**

P. C. :

1. Heard. The Petitioners who are employees of Respondent Nos.2 and 3 for more than a decade, have approached this Court assailing the show cause notices issued to them as to why their services should not be terminated on failure to produce the caste validity certificate from the competent authority. It is specific case of the Petitioners that their caste claims are pending before the respective caste scrutiny committees – Respondent Nos. 4 to 8 herein.

2. Mr. Mendadkar, learned counsel for the Petitioners invited our attention to the order passed by this Court in Writ Petition No.7036 of 2012, Adivasi Samaj Kruti Samiti and Others v. Union of India [order dtd. 23rd October 2013] and the order

passed by the Apex Court granting leave, assailing the judgment passed by this Court. He submitted that since the issue of employees of the Defence Ministry of Union of India in the State of Maharashtra is being subjected to the mechanism prescribed in 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, came to be decided for the first time on 23rd October 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 said Act, and a direction was further issued to the Central Government to take an action in accordance with section 10 of the said Act, the employees of the Central Government including the Petitioners started taking steps for submission of their claims 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.

3. In the light of aforesaid circumstances, since the Petitioners have made positive statement that they have

submitted their claims to the respective scrutiny committees which are competent to scrutinise their claims and grant validity in pursuance of the caste certificates obtained by them, we deem it appropriate to direct the respective scrutiny committees which are seized of the claims of Petitioners, to decide their claims as expeditiously as possible and in any case within the period of one year from today. Since claims of the Petitioners are pending for scrutiny by the verification committees, we restrain the Respondents from taking any coercive steps against the Petitioners pending verification of their caste claims.

4. Resultantly, we **allow** this writ petition by issuing direction to Respondent Nos.4 to 8 - Committees to decide the claims of the respective petitioners before it within the period of one year from today.

5. At the same time, we restrain Respondent Nos.2 and 3 from taking any coercive action against the Petitioners on the ground that the Petitioners have not produced the caste validity certificates.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]