

DDR

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5811 OF 2019

Anil s/o. Lotan Pawar

..Petitioner

vs.

The State of Maharashtra & ors.

..Respondents

.....

None for the Petitioner.

Mr. R.S. Pawar, AGP for respondent Nos. 1 to 3.

.....

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

DATE : 20 JANUARY 2020

P.C.:-

None for the Petitioner.

2. The impugned order is dated 9 September 2015. The Petition is filed in August 2017. The Petition was once dismissed and thereafter, by order in the Civil Application it was restored.

3. Considering the decision rendered by the Full Bench of this Court in the case of *Rajendra Shivram Thakur vs. State of Maharashtra & others*¹ to which learned AGP drawn our attention, we do not intend to keep this Petition pending any more.

¹ 2019 (4) Mh.L.J. 721

4. The Caste Certificate Scrutiny Committee has invalidated the caste claim of the Petitioner on the ground that the Respondent No. 3 - Tahsildar Baglan, District – Nashik, who had issued the Caste Certificate to the Petitioner had no jurisdiction to issue the same. By the same order the Committee has given an opportunity to the Petitioner to obtain Caste Certificate from the Competent Authority. The Committee has found that the Petitioner's ordinary/permanent place of origin at the time of the notification was Nijampur, Taluka – Sakri, District – Dhule.

5. Perusal of the Petition indicates that the Petitioner accepts this factual position, however, has taken legal grounds regarding jurisdiction. These legal grounds now stand concluded against the Petitioner in view of the decision of the Full Bench of this Court in the case of *Rajendra Shivram Thakur* (supra). The Petitioner, therefore, as indicated in the impugned order will have to get the Caste Certificate from the Competent Authority.

6. The impugned order is passed in September 2015 and it is quite likely that the Petitioner has obtained a fresh Caste Certificate from the Competent Authority and is not interested, considering the manner in which the Petition is being prosecuted. The Writ Petition is, accordingly, disposed of.

(M.S.KARNIK, J.)

(NITIN JAMDAR, J.)