

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 469 OF 2020

Gajanan S/o. Kisanrao Morey,
aged 49 years, Occ. Service,
R/o. Near Jalaram Mandir, Mahasul
Colony, Jalgaon Jamod, Tq. Jalgaon
Jamod, Dist. Buldana.

.... **PETITIONER.**

// **VERSUS** //

1. The State of Maharashtra,
through its Secretary,
Tribal Welfare Department,
Mantralaya, Mumbai-32.
2. Committee for Scrutiny and
Verification of Tribal Claims,
Amravati Division, Amravati,
through its Dy. Director (R) and
Member Secretary, having its office
at Amravati, Tq. & Dist.Amravati.
3. Municipal Council, Jalgaon(Jamod)
Through its Chief Officer,
Tq. Jalgaon (Jamod), Dist.Buldana.

.... **RESPONDENTS.**

Shri G.G.Mishra, Advocate for Petitioner.
Ms N.P. Mehta, A.G.P. for Respondent Nos.1 & 2/State.
None for Respondent No.3.

**CORAM : DIPANKAR DATTA, CJ AND
Z.A.HAQ J.**

DATED : NOVEMBER 04, 2020.

ORAL JUDGMENT : (Per : Dipankar Datta, CJ.)

1. Heard learned Advocate for the petitioner and learned Assistant Government Pleader for the respondent Nos. 1 and 2.

2. **RULE.** Rule made returnable forthwith.

3. The petitioner has approached this Court seeking, *inter alia*, the following relief:

“(i) quash and set aside the communication dated 03/01/2020 issued by the respondent No.3 the respondent No.3/Chief Officer, Municipal Council, Jalgaon (Jamod), Dist. Buldana with further direction to the respondent No.2/ Scrutiny Committee Amravati Division, Amravati to forthwith decide the caste claim of the petitioner within stipulated time;

(ii) direct the respondent No.3/Chief Officer, Municipal Council, Jalgaon (Jamod), Dist. Buldana to protect the service of the petitioner till the decision of his caste claim;”

4. By a communication dated 3rd January, 2020, the Chief Officer, Municipal Council, Jalgaon (Jamod) has called upon the petitioner to produce his Caste Validity Certificate within 3 days, failing which action would be taken against him as per Government Resolution dated 21st December, 2019. It is alleged by the petitioner that his claim for caste validation is pending before the Scrutiny Committee since July 2013, although in the meanwhile Caste Validity Certificate has been issued in favour of his daughter pursuant to an order passed by this Court.

5. The position that the petitioner's claim for Caste Validity Certificate is pending since July 2013 is not disputed by Ms N.P.Mehta, learned Assistant Government Pleader for the respondent Nos.1 and 2. On instructions, she has submitted that the proceedings shall be taken to a logical conclusion within six weeks.

6. We find from the office report that service has been effected on the Chief Officer, respondent No.3. There is, however, no representation from his side.

7. Having regard to the facts and circumstances of this particular case, we find no reason to keep the writ petition pending. We proceed to pass the following order:

- i) The Caste Scrutiny Committee, Amravati Division, Amravati shall proceed to immediately decide the petitioner's claim within four weeks from date of receipt of a copy of this order, upon affording adequate opportunity of hearing to the petitioner.
- ii) For the purpose of early conclusion of the proceedings before the Caste Scrutiny Committee, we direct the petitioner to be present before such Committee on 11th November 2020 at 12:00 noon.

iii) In the event, the order of the Scrutiny Committee is unfavourable to him, the petitioner shall be at liberty to pursue his legal remedy in accordance with law.

iv) The interim protection granted to the petitioner by order dated 22nd January, 2020 shall continue for a period of further four weeks from the date of receipt of the decision of the Caste Scrutiny Committee by the petitioner.

8. Rule is made absolute in the aforesaid terms. In the circumstances, the parties shall bear their own costs.

(Z.A.HAQ, J.)

(CHIEF JUSTICE)

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