

S.S.Kilaje

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 816 OF 2021
WITH
INTERIM APPLICATION (ST.) NO. 6129 OF 2021

Dongarsingh Madhukar Thakur .. Petitioner/Applicant

Versus

State of Maharashtra & Ors. .. Respondents

-
- Mr. R.K.Mendadkar for the Petitioner
 - Ms. Anjali Helekar a/w. A.A.Garge for Respondent No.3
 - Mr. S.S.Panchpor, AGP for the State
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CORAM : K.K. TATED &
R. I. CHAGLA, JJ.

DATE : APRIL 8, 2021

P.C.:

- 1.** Heard the learned counsel for the parties.
- 2.** By this Petition under Article 226 of the Constitution of India, Petitioner is challenging the order dated 22.01.2020 passed by the Scheduled Tribe Certificate Scrutiny Committee, Kokan Division, Thane rejecting the Petitioner's application for issuing cast validity certificate.
- 3.** Learned counsel appearing on behalf of the Petitioner submits that Respondent No.1A i.e. Scheduled Tribe Certificate Scrutiny

Committee, failed and neglected to consider the documents on record at the time of deciding appeal of Petitioner. He submits that on 05.04.2021, this Court after hearing both the sides, passed an order and directed learned AGP to take instructions within how much time, the Committee will decide the Petitioner's application for issuance of cast validity certificate if the matter is remanded back to them.

4. Learned AGP appearing on behalf of the Respondent-Committee submits that he has received instructions from the Committee that the Committee will take atleast six months time to decide the Petitioner's application (because of Covid-19 situation).

5. Considering the submissions made by both the parties and the earlier order dated 05.04.2021 passed by this Court, the following order is passed :

(a) Order dated 22.01.2020 passed by the Scheduled Tribe Certificate Scrutiny Committee, Kokan Division, Thane in the Petitioner's case is quashed and set aside;

(b) Matter is remanded back to the Scheduled Tribe Certificate Scrutiny Committee, Kokan Division, Thane to decide the Petitioner's application on its own merits after considering all the documents on record as recorded in our order dated 05.04.2021. The Committee shall take decision thereon on or before 30.10.2021;

(c) Till the decision is taken by the Scheduled Tribe Certificate Scrutiny Committee, Kokan Division, Thane and two weeks thereafter in case if the decision goes against the Petitioner, Respondent No.3 is directed not to take any coercive step against the Petitioner i.e. not to terminate his services on the basis of non production of cast validity certificate from the committee.

6. Parties to act on an authenticated copy of this order.

7. Writ Petition as well as Interim Application stand disposed of accordingly. No order as to costs.

[R. I. CHAGLA J.]

[K. K. TATED J.]