

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2744 OF 2021**

Sunil B. Gavli	...	Petitioner
V/s.		
State of Maharashtra and Ors.	...	Respondents

Mr. Ramchandra K. Mendadkar for the Petitioner.
Mr. S.B. Kalel-AGP for the State.

**CORAM : SMT. SADHANA S. JADHAV &
SARANG V. KOTWAL, JJ.**

DATED : AUGUST 23, 2021.

PC. :

- . Heard the learned counsel for both the parties.
2. Rule. Rule made returnable forthwith with the consent of the parties.
3. The petitioner herein has filed this Writ Petition under Article 226 of the Constitution of India seeking relief as stated in prayer clause (a) as follows:

“a. To direct the respondent no.2 committee to decided tribe claim of the petitioner in the light of judgment and order passed by this Hon’ble Court in the case of Kum. Pallavi Sunil Gavali Vs. State of Maharashtra and ors. on 9.7.2019 in writ petition No. 11697 of 2018, with further directions to the respondent nos.2 to forthwith withdraw and / or cancel the

impugned order dated 14.02.2020 issued by it with all consequences”.

4. It is the case of the petitioner that the petitioner is working on the post of Police Sepoy in reserved category. He claims to be belonging to ‘Thakar Tribe’ which is notified as Sr. No. 44 in the schedule.

5. The petitioner has filed a claim seeking validation of his caste certificate. However, the same was rejected on the ground that the certificate was not issued in a appropriate format. Thereafter, the petitioner has obtained a caste certificate in Form (C) from the Sub Divisional Officer, Baramati on 26th November 2020. The petitioner has filed a subsequent claim seeking validity of the certificate issued on 26th November 2020. The said claim was filed on 1st February 2021 before the Caste Scrutiny Committee.

6. It is the case of the petitioner that his daughter Ms. Pallavi Gavali was also issued a certificate that she belongs to the ‘Thakar Tribe’. The said certificate was invalidated initially by the Caste Scrutiny Committee and the issue of invalidation was quashed and set aside by this Court vide judgment and order dated 9th July 2019. The Caste Scrutiny Committee was directed to issue validation certificate in favour of the daughter of the petitioner within two weeks from 9th July 2019.

7. The Caste Scrutiny Committee has implemented the said directions and has issued the caste validity certificate in favour of the daughter of the petitioner. It is submitted by the learned counsel that

by an order dated 14th February 2020 the respondent no. 3 has appointed the petitioner on a supernumerary post for a period of 11 months, which would come to an end on October 2021. The petitioner is due to be superannuated in September 2021. In fact the right to seek caste validation flows from the paternal relationship. But in this case the caste claim of the daughter is validated.

8. In view of this, Caste Scrutiny Committee shall decide the caste claim of the petitioner by 30th October 2021.

9. With these directions, the petition stands disposed of. Rule is made absolute.

(SARANG V. KOTWAL, J)

(SMT. SADHANA S. JADHAV, J)