

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 3794 OF 2022

Krashna Narsing Yenchalwad,
Age : 24 Years, Occ. Service,
R/o. Kharabwadi, Tq. Ahmedpur,
Dist. Latur. .. Petitioner

VERSUS

1. Scheduled Tribe Certificate,
Scrutiny Committee, Kinwat,
Working at Aurangabad,
through its Member Secretary
2. District Malaria Officer (DMO)
Malaria Office, Osmanabad
Dist. Osmanabad. ..Respondents

Advocate for the Petitioner : Mr. S.S. Phatale
A.G.P for Respondent-State : Mr. S. P. Tiwari
....

**CORAM : R. D. DHANUKA &
S.G. MEHARE JJ.
DATE : 23.03.2022.**

ORAL JUDGMENT (PER R.D. DHANUKA J.) :-

Rule. The learned A.G.P waives service of notice for
respondent Nos. 1.

2. Rule is made returnable forthwith.

3. By this petition filed under Article 226 Constitution of
India, the petitioner has prayed for Writ of Mandamus against

respondent Nos. 1 Caste Scrutiny Committee to decide the pending Tribe claim of the petitioner expeditiously and seeking injunction against respondent No.2 for not taking any coercive action on the ground of non production of caste certificate.

4. The learned A.G.P on instructions states that caste claim of the petitioner would be decided within four months from today. Statement is accepted.

5. We accordingly direct respondent no.1 to decide caste claim of the petitioner within four months from today. Learned counsel for the petitioner states that his client would appear before respondent No.1 committee on 29th March 2022 at 11.00 a.m without fail and will not seek any unnecessary adjournments in the matter till the caste claim of the petitioner is decided. Statement is accepted.

6. Respondent No.2 shall not take any coercive steps against the petitioner on the ground that the petitioner has not submitted caste validity certificate till the caste claim of the petitioner is decided by respondent No.1. and for a period of three weeks from the date of communication of the order that

would be passed by respondent No.1 if the same is adverse to the petitioner.

7. If the caste claim of the petitioner is decided in favour of the petitioner, respondent No.1 shall issue caste validity certificate in favour of the petitioner within one week from the date of passing of order. If the order is adverse to the petitioner, the petitioner would be at liberty to file appropriate proceeding. Writ Petition is allowed in aforesaid terms.

8. Rule is made absolute, accordingly. No order as to costs.

9. It is made it clear that this Court has not expressed any view on the merits of the Caste Claim of the petitioner. The respondent No.1 Scheduled Tribe Certificate Scrutiny Committee, Kinwat shall decide the caste claim of the petitioner on its own merits.

(S.G. MEHARE J.)

(R.D. DHANUKA J.)

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