

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

WRIT PETITION NO. 8396 OF 2021

Dilip S/o Dnyanobaji Narnaware,
Aged about 46 yrs, Occ. Service,
R/o At-Post - Vidhya Nagari,
Nandepera Bypass Road, Wani,
District Yavatmal.

... **Petitioner**

Versus

1. The Vice-Chairman /
Member-Secretary,
Scheduled Tribe Caste Certificate,
Amravati.
2. The Zilla Parishad, Yavatmal,
Through its Chief Executive Officer.
3. The Education Officer (Primary),
Zilla Parishad, Yavatmal.

... **Respondents**

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Advocate for Petitioner : Ms. Preeti D. Rane.
AGP for Respondent No.1-State : Mr. P. S. Patil.

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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 26.04.2022

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

1. Rule. Learned AGP waives service of notice for respondent-State. Respondent Nos.2 and 3 though served with

the notice of final disposal issued by this Court passed by the order dated 07.01.2020 are absent. Rule is made returnable forthwith and heard finally by the consent of the parties present in the Court.

2. Learned AGP for the State, on instructions, states that respondent No.1 - Scrutiny Committee has already closed the caste claim of the petitioner for passing orders and would pass an appropriate order within two (2) weeks from today. Statement is accepted.

3. In view of the statement made by the learned AGP, prayer clause (i) does not survive. The order that would be passed by the Scrutiny Committee shall be communicated to the petitioner within one (1) week from the date of passing such order. If the caste claim of the petitioner is validated, caste validity certificate shall be issued in favour of the petitioner within one (1) week from the date of passing the said order. If the caste claim of the petitioner is rejected, no coercive action shall be taken within four (4) weeks from the date of communication of the said order

4. So far as prayer clauses (ii) and (iii) of the prayers are

concerned, this Court by order dated 07.01.2020 has already protected the services of the petitioner. The said ad-interim order to continue till disposal of the caste claim by respondent No.1-Committee and for a period of four (4) weeks from the date of communication of the order, if the same is adverse against the petitioner.

5. Writ petition is allowed in the aforesaid terms. Rule is made absolute. No order as to costs.

6. Parties to act upon authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-