

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

WRIT PETITION NO. 8399 OF 2021

Sunil S/o Subhash Chavan,
Aged about 40 yrs, Occ. Service,
R/o. At – Post – Warajahagir,
Tal. Washim, Distt. Washim.

... **Petitioner**

Versus

1. The Vice-Chairman / Member-Secretary,
Scheduled Tribe Caste Certificate
Scrutiny Committee,
Chaprashipura, Amravati
Division, Amravati.
2. The Superintendent of Police,
Washim,
3. The State of Maharashtra,
Through its Secretary,
General Administration
Department,
Mantralaya, Mumbai - 32

... **Respondents**

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Advocate for Petitioner : Ms. Preeti D. Rane.
AGP for Respondents-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 respondents-State. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner has impugned the appointment order dated 17.03.2020 issued by respondent No.2 and also prays for a writ of Mandamus directing the respondent No.1-Committee to decide the caste claim of the petitioner within the stipulated period. The petitioner also seeks a declaration that the Government Resolution dated 21.12.2019 should not be made applicable to the present case.

3. Insofar as declaration of Government Resolution dated 21.12.2019 issued by the State Government is concerned, by separate order passed by this Court, this Court has made it clear that the said Government Resolution dated 21.12.2019 would not be applicable to the various parties to those petitions. It is not in dispute that the said judgment of this Court would apply to the facts of this case also. We accordingly grant prayer clause (ii) of the petition. Insofar as prayer clause (i) is concerned, the learned AGP for the State, on instructions,

states that the said caste claim of the petitioner is already closed for orders and an appropriate order would be communicated to the petitioner within a period of two (2) weeks from today. Statement is accepted.

4. If the order is in favour of the petitioner, the caste validity certificate shall be issued in favour of the petitioner within one (1) week from the date of passing such order and if the order is adverse against the petitioner, no coercive steps shall be taken against the petitioner for a period of four (4) weeks from the date of communication of the said order. We also quash and set aside the appointment order dated 17.03.2020 being contrary to law.

5. Writ Petition is disposed off in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-