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

68 WRIT PETITION NO.11062 OF 2022

**NARENDRA GANGARAM SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND OTHERS**

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Mr S. R. Barlinge, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondents/State

**CORAM : RAVINDRA V. GHUGE
AND
SANJAY A. DESHMUKH, JJ.**

DATE : 9th November, 2022

PER COURT:

1. The petitioner, who is in employment with respondent No.3, has moved this petition putting forth prayer clauses (A), (B), (C) and (D), which read as under :-

“A] By a writ of certiorari or any other appropriate writ or order or directions in the like nature, the impugned notice dated 22-09-2022 issued by respondent No. 2 – Committee may kindly be quashed and set aside.

B] By a writ of mandamus or any other appropriate writ or order or directions in the like nature, respondent No. 2- Committee be directed not to interfere with validity certificate already issued in favour of the petitioner.

C] Pending hearing and final disposal of this writ petition, operation, execution and implementation of the impugned notice dated 22-09-2022 issued by respondent No. 2- Committee may kindly be stayed.

(2)

DJ Pending hearing and final disposal of this writ petition, respondent No. 3, his agents, servants or any other person acting on his behalf be restrained from taking any adverse action against the petitioner on the basis of the impugned notice dated 22-09-2022 issued by respondent No.2 – Committee Scrutiny Committee.”

2. We have considered the submissions of the learned Advocate for the petitioner and the learned A.G.P. We have perused the family tree placed before us. We have also perused the documents shown to us by the learned A.G.P, wherein the caste of the petitioner has never been indicated as ‘Tokre Koli’, as per the submissions of the learned A.G.P. Distant relatives flowing from the branch of Dogar Purnal Shirsath, namely, Jayant Devidas, Hemant Govinda and Vishal Govinda, have been granted validity certificates. The petitioner had been granted validity certificate on the basis of such validity certificates issued to the relatives.

3. The Committee has now reopened the case of the petitioner pursuant to the notice dated 22/09/2022, on the ground and for the reason that, not a single statutory record of the petitioner, beginning from his school on-wards, indicates the entry ‘Tokre Koli’ as his caste. The learned A.G.P. points out that, the grandfather of the petitioner, Natu Naga Koli’s statutory record

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dated 10/02/1916 indicates his caste as 'Koli'. The grandmother of the petitioner Tulsabai Natu Shirsath's record dated 05/11/1925 indicates 'Hindu Koli'. Gangaram Natu Shirsath, the father of the petitioner also carries the entry 'Koli Suryawanshi'. The uncle of the petitioner Gambir Natu Shirsath carries the entry of 'Koli', dated 06/03/1940. The petitioner's record also indicates 'Hindu Suryawanshi Koli (इ.पा.)', dated 26/06/1974. His another uncle Baburao Natu Shirsath carries the entry 'Koli', dated 03/07/1947.

4. In view of the above, we deem it appropriate to pass the following order :-

- (a) This petition is disposed off.
- (b) The Committee is at liberty to go into the case of the petitioner, pursuant to the notice dated 22/09/2022.
- (c) After the reopened case is considered, by following the due procedure laid down in law, the Committee would be at liberty to pass an appropriate order.
- (d) The petitioner assures the Court that, he would render fullest co-operation to the Committee and would not indulge in dealing tactics.

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(e) Since the petitioner is in employment, if an adverse order is passed by the Committee, the same shall not be given effect to, for a period of 30 days from the date of the pronouncement of the order.

(f) The petitioner agrees to appear before the Committee on the date and time that would be fixed for pronouncement of the order, so as to note the decision of the Committee and take steps within the protection period of 30 days.

(g) Hence, the Committee shall post a particular date and time for pronouncement of its order and convey the same to the petitioner, so as to enable him to remain present as per the schedule, and note the order that would be passed.

5. Copy of the order shall be kept ready by the Committee, so as to be delivered to the petitioner, by following the due procedure as is applicable, within 24 hours of its pronouncement.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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