

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

WRIT PETITION NO. 7777 OF 2015

Gajanan Madhavrao Suryawanshi .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Azizoddin R. Syed, Advocate for the Petitioner.

Smt. M. S. Patni, A.G.P. for Respondent Nos. 1 and 2.

Shri G. V. Mohekar, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 29TH JULY, 2015.

PER COURT :

. Mr. Syed, the learned counsel for the petitioner states that, application was made by the petitioner for issuance of tribe certificate as belonging to Koli Mahadev (Scheduled Tribe). Initially the application was made to the Sub Divisional Officer, Parbhani. However, the same was returned by the Sub Divisional Officer, Parbhani stating that the petitioner will be required to apply to the respondent No. 2 i. e. the Sub Divisional Officer, Mudkhed. Thereafter the petitioner on 05th August, 2014 applied for issuance of tribe certificate through proper channel to the respondent No. 2. However, as yet the same is not decided and the respondent No. 3 has issued notice

contemplating termination, if the tribe certificate and the proposal is not submitted.

2. Mr. Mohekar, the learned counsel for the respondent No. 3 submits that, the petitioner was appointed on compassionate ground and is required to submit the acknowledgement showing submission of proposal with the committee seeking validity and the same is not submitted. In absence of the same the notice is rightly issued.

3. We have also heard the learned Assistant Government Pleader.

4. It appears that, the petitioner has bonafidely filed an application for issuance of tribe certificate initially with the Sub Divisional Officer, Parbhani and subsequently as the said application was returned back by S. D. O Parbhani to the respondent No. 2. The same is pending for almost one year and decision has not been taken. In view of that, it will be inappropriate to allow the respondent No. 3 to take action for non submission of tribe certificate or the proposal seeking validity.

5. In the light of the above, we pass the following order.

6. The respondent No. 2 shall decide the application filed by

the petitioner for issuance of tribe certificate as belonging to Koli Mahadev (S.T.) expeditiously and preferably within a period of three (3) months from today. The petitioner shall appear before the respondent No. 2 on 12th August, 2015.

7. Till the application for tribe certificate is decided by the respondent No. 2, the respondent No. 3 shall not take any coercive steps against the petitioner. In the light of that, the impugned notice is quashed and set aside. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15