

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

WRIT PETITION NO. 8798 OF 2015

Pandit s/o Manikrao Akulwad
age 53 years, occ. service,
r/o Kailas Nagar, Nanded
Tq. & Dist. Nanded.

.. PETITIONER

VERSUS

1. State of Maharashtra
through Principal Secretary,
Water Resource Department,
Mantralaya, Mumbai 32.
2. Superintending Engineer,
Nanded Irrigation Circle,
Nanded, Sinchan Bhavan,
Workshop Road, Nanded.
Dist. Nanded.
3. Executive Engineer,
Nanded Irrigation Division
(North), Nanded,
Jangamwadi, Nanded
Tq. & Dist. Nanded.
4. Sub Divisional Officer,
Kandhar, Tq. Kandhar
Dist. Nanded.
5. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad.
Region Aurangabad
through its Member Secretary.

.. RESPONDENTS

Mr. M.S. Deshmukh, advocate for petitioner.
Mr. V.D. Godbharale, AGP for the State.
Mr. K.D. Bade Patil, advocate for respondent no. 5.

=====

**CORAM : R.M. BORDE &
P. R. BORA, JJ.**

DATE : 27th AUGUST, 2015

ORAL JUDGMENT : (PER R.M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner claims to be belonging to 'Mannerwarlu' Scheduled Tribe community. Petitioner has been appointed as Junior Clerk in the year 1982 as against the seat earmarked for Scheduled Tribe category candidate and was also granted benefits under the Assured Career Advancement Scheme in respect of upgradation of his pay scale on 02.08.2010. Since the petitioner has secured employment as a candidate belonging to Scheduled Tribe category, caste certificate issued in his favour was forwarded to the Scrutiny Committee for verification. The Scrutiny Committee, without entering into merits of the controversy, has directed cancellation of the caste certificate only on the ground that said certificate does not record the surname of petitioner. The Committee has granted liberty to petitioner to secure fresh certificate and submit the same for verification. As a result of cancellation of caste certificate by the Scrutiny Committee, the employer of petitioner has issued order on 30.07.2015 thereby withdrawing the benefits conferred on him under the Assured Career Advancement Scheme and, further issued directions for re-fixation of the pay scale.
4. This petition can be conveniently disposed of on the lines of decision rendered by this Court while dealing with Writ Petition No. 3934/2015

decided on 08.04.2015. Hence we pass the following order :

a) Order passed by respondent on 30.07.2015 is quashed and set aside.

b) The petitioner may approach the concerned Scrutiny Committee for issuance of Photostat copy of the caste/tribe certificate produced by him for verification, within a period of one month from today. The Scrutiny Committee, on receipt of such application, issue attested/authenticated copy of the caste/tribe certificate produced by petitioner for verification, within a period of two weeks from the date of receipt of the request.

c) The petitioner, on receipt of Photostat/authenticated copy of the caste certificate, shall approach the concerned Sub-Divisional Officer / competent authority with an application for issuance of tribe certificate, within a period of six weeks from the date of receipt of such Photostat/authenticated copy of the tribe certificate.

d) The concerned Sub-Divisional Officer / competent authority, on receipt of the application of petitioner together with attested / authenticated copy of the caste / tribe certificate issued earlier, shall proceed to issue caste / tribe certificate in the prescribed proforma recording the complete name of the petitioner including surname, within a period of four weeks from the date of receipt of the application, without entering into further inquiry into the matter.

e) On receipt of tribe certificate, the petitioner shall present the same for verification to the competent Scrutiny Committee with a proposal in prescribed proforma requesting the Scrutiny Committee to verify the tribe certificate, within a period of six weeks from the date of receipt of caste / tribe certificate.

f) The Scrutiny Committee, on receipt of the proposal from petitioner, shall proceed to enquire into the matter and complete the verification / scrutiny of the tribe certificate and, issue final order, as expeditiously as possible, preferably within a period of eight months from the date of receipt of the proposal.

g) Until final disposal and subject to the decision of the tribe claim by the Scrutiny Committee which would be preferred by the petitioner as per the time schedule prescribed above, the respondent – employer shall not take any coercive action against the petitioner.

5. Rule made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE