

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9678 OF 2015

Dnyaneshwar Madhav Puneboinwad
age: 27 years, occu: Service
R/o Sugaon, Tq. Loha
District: Nanded

Petitioner

Versus

- 1 The State of Maharashtra
Through: Principal Secretary,
Home Department, Mantralaya
Mumbai 32
- 2 Superintendent of Police,
Nanded, Dist. Nanded
- 3 Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through: Its Member Secretary

Mr. D.B.Shinde, h/f
Mr. Phatale Sagar S. advocate for the petitioner
Mrs. S.A. Dhumal, AGP for the respondents

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

Dated : 23rd SEPTEMBER, 2015.

ORAL JUDGMENT

(Per : R.M. Borde, J)

- 1 Heard.
- 2 Rule.

3 With the consent of the parties, petition is taken up for final decision at admission stage.

4 The petitioner claims to belong to Koli Mahadev Scheduled Tribe (ST). On consideration of an application tendered by the petitioner, seeking employment in the Police Department, petitioner came to be appointed as Police Constable as against reserve vacancy prescribed for ST category in the year 2013. Initially the tribe certificate was issued by the competent authority referring the tribe of the petitioner as '*Mahadev Koli*'. The aforesaid certificate was referred to the scrutiny committee. However, the scrutiny committee proceeded to direct cancellation of the said certificate on the ground that, the tribe '*Mahadev Koli*' is not enlisted in the Constitutional Order and the certificate shall have to be issued as a candidate belonging to '*Koli Mahadev*'. The petitioner approached this Court by filing Writ Petition No.11527 of 2014, which came to be disposed of on 18.12.2014, where-under, the Sub Divisional Officer was directed to issue fresh tribe certificate in respect of the tribe of the petitioner as '*Koli Mahadev*'. The petitioner, in pursuance of the said order passed by this Court, tendered an application to the Sub Divisional Officer, Kandhar and secured a certificate in the prescribed proforma.

5 It is not a matter of dispute that, the certificate has been forwarded to the scrutiny committee for verification and his claim is stated to be pending. In the mean while, the employer i.e. Respondent No.2 has issued a Notice to the petitioner, calling upon him to produce

validation certificate by 30.9.2015 and in the event of his failure, he has been threatened with action of termination of services.

6 It is not within the competence of the petitioner to secure certificate from the scrutiny committee within the time stipulated by the employer. In the facts and circumstances of the case, we deem it appropriate to direct respondent No.4 scrutiny committee to consider the claim of the petitioner for validation and pass final order as expeditiously as possible and preferably within a period of one year from today and it is accordingly directed.

7 The petitioner undertakes to cooperate with the scrutiny committee in disposal of the validation claim.

8 In the mean while, respondents No.1 and 2 are directed not to take any coercive action against petitioner, on the ground of his failure to submit validation certificate.

9 With the directions as above, writ petition is disposed of.

10 Rule is accordingly made absolute.

(P.R. BORA, J)

(R.M.BORDE, J)