

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.495/2015

Bhartari Pundlik Thakur
Age 34 years, Occ Service
R/o Dondaicha, Tq. Sindkheda
Dist.Dhule

..PETITIONER

Versus

- 1] The State of Maharashtra
Department of Tribal Development
Mantralaya, Mumbai-32
Through its Secretary

[Copy to be served on the
Government Pleader, High Court
of Bombay, Bench at Aurangabad.]

- 2] The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar
Through its Secretary.
- 3] Swodhharak Vidyarthi Sanstha
Dondaicha, Dist.Dhule
Through its Secretary.
- 4] The Head Master
R.D.M.P. High School
Run by Swodhharak Vidyarthi Sanstha
Dondaicha, Dist.Dhule.
- 5] The Education Officer (Secondary)
Zilla Parishad, Dhule

..RESPONDENTS

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Mr.A.S.Golegaonkar,Adv. for petitioner
Mr.P.N.Mulay,AGP for Respondent State
Mr.A.B.Tele,Adv. For respondent no.2

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 15th January, 2015.**

P.C. :

Mr.Golegaonkar, learned counsel for petitioner submits that the proceedings are decided by the Committee exparte. It is only when in earlier petition, affidavit was filed by respondent-committee, the petitioner got the knowledge that the matter is decided by the committee. Even after the decision was given by the committee dated 22/8/2013, the petitioner had sought for the document. On 24/1/2014 it was stated that the proceedings are pending and time will be required to give the decision. According to the learned counsel, the Committee on one hand states that the judgment is delivered in 2013 and on other hand in January 2014 the letter is given to the petitioner that the proceedings are pending and would take some time to decide the same. The petitioner had gone to submit original certificate but the same was not accepted. According to the learned counsel, because of the act of respondent-committee, the petitioner's service is in jeopardy.

2] Mr.Tele, learned counsel submits that the petitioner who submitted original certificate on 11/8/2005, also though application was given, endorsement is scored, the petitioner had taken back the original certificate and had not returned it.

3] There are rival contentions with regard to the submission of the original tribe certificate. According to the petitioner, he had gone to the office of the committee to submit original tribe certificate but the same was not accepted whereas, the case of the committee is that the petitioner only submitted the copy of original tribe certificate. Be that as it may. It would not be possible to enter into the investigation of the case in exercise of jurisdiction under Article 226 of the Constitution of India.

4] In the premises that the proceedings are not decided on merits and the petitioner has been given opportunity to file afresh application, if he so desires. So also the fact that the petitioner is appointed as Shikshan Sevak in the year 2009, it would be expedient if the proceedings are decided expeditiously. An opportunity deserves to be given to the petitioner to prosecute present proceedings to avoid delay.

5] The learned counsel for the petitioner on instructions states that the petitioner would appear before Committee on 28/1/2015 alongwith original Tribe certificate and on 28/1/2015, the petitioner shall submit the original Tribe certificate with the committee.

6] In the light of above, we pass following order :

a] Impugned order dated 22/8/2013 is quashed and set aside. The petitioner shall appear before the committee on **28/1/2015**. Petitioner shall

submit the original tribe certificate with the Committee. On receipt of the original tribe certificate, the committee shall decide said proceedings expeditiously and preferably within one year. The petitioner shall cooperate in expeditious disposal of the said proceedings.

7] Writ Petition is accordingly disposed of with aforesaid observations and directions. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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