

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

1. Writ Petition No. 630 of 2015

(Tejas Dhondubaji Garmade vs. The State of Maharashtra and others.)

Mr. V.R.Choudhari, Adv. for the petitioner.

Mrs. Rashi Deshpande, AGP for R-1.

Mrs. B.H.Dangre, Adv. for R-2.

2. Writ Petition No. 639 of 2015

(Avinash s/o Ramaji Warudkar vs. State of Maharashtra and others)

Mr. Narayan Phadnis, Adv. for the petitioner.

Mrs. Rashi Deshpande, AGP for R-1 and 2

Mrs. B.H.Dangre, Adv. for R-3

Notes, Office Memoranda of

Coram, appearances, Court's orders
or directions and Registrar's orders.

Court's or Judge's
Orders.

CORAM: B.R.GAVAI &

MRS. MRIDULA R. BHATKAR,JJ

DATE : 13.2.2015

Writ Petition No. 630 of 2015 is filed by the petitioner contending that though his caste claim has been submitted to the respondent Caste Scrutiny Committee for considering his claim for belonging to Mana Scheduled Tribe, the same is not being decided and on failure of the Committee to decide the same, the petitioner is apprehending cancellation

of his admission from the reserved category. Writ Petition No. 639 of 2015 is filed also contending by the petitioner that though the petitioner's claim, for considering his claim of belonging to Halba Scheduled Tribe, is pending, he is served with the show cause notice as to why his services should not be terminated on account of non submission of validity certificate.

2. Time and again, we have observed that it is not in the hands of the candidates as to within how much time the Caste Scrutiny Committee should decide the claim. In that view of the matter, we are inclined to allow both the petitions by directing the respondent Cast Scrutiny Committee to decide the claims of the petitioners as expeditiously as possible and preferably within a period of six months from today.

3. Insofar as the Writ Petition No. 630 of 2015 is concerned, the respondent no. 3 is further directed not to cancel the admission of the petitioner till the decision of the claim of the petitioner by the respondent no.2 Scrutiny Committee and in the event the decision of the Scrutiny Committee is adverse to the interest of the petitioner for further

period of 3 weeks from the receipt of the decision of the Committee. Insofar as the Writ Petition No. 639 of 2015 is concerned, it is directed that the respondent no.2 shall not terminate the services of the petitioner until the decision of the claim of the petitioner by the respondent no.3 Scrutiny Committee and in the event the decision of the Scrutiny Committee is adverse to the interest of the petitioner for further period of 3 weeks from the receipt of the decision of the Committee.

4. Though we are disposing of the petitions, we are keeping them alive for the limited purpose.

5. We have come across many cases wherein the petitioners are required to approach this Court since their claim of belonging to Scheduled Tribe are not considered by the Scrutiny Committees and in spite of that they are either threatened with termination of their services or cancellation of their admissions. As such since the action of the authorities which threatens the termination or cancellation of admission is not on account of any fault on part of such candidates, we are constrained to interfere with the orders passed by the

authorities and protect either admissions or terminations of employment of such persons at least till decision of their claim by the Scrutiny Committees.

6. The delay by the Scrutiny Committees in deciding the claims of the candidates has unnecessarily resulted in the filing of the petitions in this Court is many fold. As such we had requested the learned Government Pleader to take instructions as to why the cases of the candidates are not decided by the Scrutiny Committees within a reasonable period. The learned Government Pleader, on instructions, has informed us regarding the vacancies in respect of the three Scrutiny Committees at Amravati, Gadchiroli and Nagpur. The situation is pathetic. We reproduce the chart herein below in respect of the three Committees which would show the position regarding vacancies of various posts in all the three Committees.

**SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE, NAGPUR.
VACANT POSITIONS**

Sr. No.	Designation	Sanctioned Posts	Filled in Posts	Vacant Posts
1.	Jt. Commissioner	1	1	0
2.	Deputy Director	1	1	0
3.	Senior Research Officer	2	1	1
4.	Law Officer	1	1	0
5.	Research Officer	3	2	1

6.	Registrar	1	0	1
7.	Jr. Administrative Officer	1	1	0
8.	Research Assistant Officer	2	1	1
9.	Lower Grade Stenographer	3	1	2
10.	Steno Typist	1	1	0
11.	Record Keeper	1	0	1
12.	Clerk-Typist	7	5	2
13.	Peon	2	2	0
14.	Dy. Superintendent of Police	1	0	1
15.	Police Inspector	6	4	2
16.	Police Constable	5	5	0
17.	Motor Car Driver	2	2	0
	Total	40	26	14

**SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE, AMRAVATI.**

VACANT POSITIONS

Sr. No.	Designation	Sanctioned Posts	Filled in Posts	Vacant Posts
1.	Jt. Commissioner	1	0	1
2.	Deputy Director	1	1	0
3.	Senior Research Officer	2	2	0
4.	Law Officer	1	0	1
5.	Research Officer	3	3	0
6.	Registrar	1	0	1
7.	Jr. Administrative Officer	1	1	0
8.	Research Assistant Officer	2	2	0
9.	Lower Grade Stenographer	3	1	2
10.	Steno Typist	1	1	0
11.	Record Keeper	1	0	1
12.	Clerk-Typist	7	7	0
13.	Peon	1	1	0
14.	Dy. Superintendent of Police	1	0	1
15.	Police Inspector	4	3	1
16.	Police Constable	5	5	0

	Total	35	27	08
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**SCHEDULED TRIBE CERTIFICATE SCRUTINY
COMMITTEE, GADCHIROLI.**

VACANT POSITIONS

Sr. No.	Designation	Sanctioned Posts	Filled in Posts	Vacant Posts
1.	Jt. Commissioner	1	0	1
2.	Deputy Director	1	0	1
3.	Senior Research Officer	2	2	0
4.	Law Officer	1	0	1
5.	Research Officer	3	2	0
6.	Registrar	1	1	0
7.	Jr. Administrative Officer	1	0	1
8.	Research Assistant Officer	2	0	2
9.	Lower Grade Stenographer	3	0	3
10.	Steno Typist	1	1	0
11.	Record Keeper	1	0	1
12.	Clerk-Typist	7	4	3
13.	Peon	2	2	0
14.	Dy. Superintendent of Police	1	0	1
15.	Police Inspector	4	1	3
16.	Police Constable	4	3	1
	Total	35	16	19

7. The Caste Scrutiny Committees cannot be expected to function in the absence of the requisite staff. No doubt that certain directions are issued by the Division Bench of the Principal Seat in PIL No. 71/11 regarding providing of

infrastructure to the Committees. However, the question of improving infrastructure would arise only after there is complete man power available so that the Committees function in an effective way.

8. We, therefore, issue notice to the Secretary, Tribal Welfare Department, Government of Maharashtra, Mantralaya Mumbai and the Additional Chief Secretary Home Department, Mantralaya Mumbai, calling upon them to show cause as to why the posts in the Committees are kept vacant. If the State appoints the Committees for considering the claim of the candidates of belonging to the Scheduled Tribe, then it is equally duty bound to prove necessary manpower to the same.

Notice is made returnable on 9.3.2015.

The learned AGP accepts notice on behalf of the said authorities.

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