

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4543 OF 2016

Sunita Balaji Mutake,
Age-32 years, Occu:Service,
R/o-Sneh Nagar, Police Colony,
Nanded, Tq. & Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
Agriculture Department,
Mantralaya, Mumbai,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R),
- 3) The Registrar (Kulsachiv),
The Mahatma Phule Agricultural
University, Rahuri, Tq-Rahuri,
Dist-Ahmednagar.

...RESPONDENTS

...

Mr.Pratap V. Jadhavar Advocate for Petitioner.
Mr. S.S. Dande Advocate for Respondent Nos.1
and 2.
Mr. M.N. Navandar Advocate for Respondent
No.3.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 27TH JULY, 2016

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Rule. Rule made returnable forthwith. With the consent of the learned counsel for the parties, taken up for final disposal.

2. The Petitioner claims to be belonging to "Mannervarlu", Scheduled Tribe. On the strength of the certificate issued in favour of the Petitioner by the competent authority certifying that she belongs to "Mannervarlu", Scheduled Tribe, the Petitioner has been inducted in the employment with Respondent No.3 as a clerk/typist since the year 2014. The tribe certificate issued in favour of the Petitioner has been referred for verification to Respondent No.2 Scrutiny Committee and it is stated that the proposal is pending. As a result of failure of Petitioner to submit

validation certificate within the stipulated period, her services came to be terminated by the employer in view of the order issued on 29th April 2016. The Petitioner claims that she has every hope of success in the validation proceedings since her real brother has been issued validity certificate by Respondent No.2 Committee.

3. In view of the Judgment of the Division Bench of this Court in the case of **Apoorva d/o Vinay Nichale vs. Divisional Caste Scrutiny Committee No.1 and others**, reported in 2010(6) Mh.L.J. 401, normally the Petitioner is entitled to claim the validation certificate. However, it would be appropriate for the Scrutiny Committee to apply mind to the record and take appropriate decision.

4. Respondent No.2 Scrutiny Committee is directed to take decision in respect of the tribe certificate verification claim of the Petitioner as expeditiously as possible, preferably within

SIX MONTHS from today and it is accordingly directed.

5. Respondent No.3 shall reinstate the Petitioner in employment from 1st August 2016, subject to result of the tribe certificate verification claim pending with Respondent No.2 Scrutiny Committee.

6. The Petitioner undertakes that she will not claim the back wages during the intervening period from 29th April 2016 till 1st August 2016.

7. In view of above, Rule is made absolute to the extent as specified above. There shall be no order as to the costs.

. Parties to act upon authenticated copy of this order.

[A.I.S.CHEEMA, J.]

asb/JUL16

[R.M. BORDE, J.]