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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.5612/2016

Avinash s/o Ganesh Gurle,
age 25 yrs., occu.service,
r/o 1-14-197, Tirumala Nivas,
Samarth Nagar, Nanded.
Dist.Nanded.

...Petitioner..

Versus

- 1] The State of Maharashtra,
through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
- 2] The Schedule Tribe Certificate
Verification Committee, Aurangabad.
Through its Deputy Director [R],
Aurangabad.
- 3] The Sub Divisional Officer, Nanded.
Dist.Nanded.
- 4] The Sub Divisional Officer, Parbhani.
Dist.Parbhani.
- 5] The District Collector, Raigad.
Dist.Raigad.

...Respondents...

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Shri Sunil M. Vibhute, Advocate for petitioner.
Shri A.B. Kale, AGP for respondent nos.1 to 5.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 10.06.2016

ORAL JUDGMENT (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and the petition is taken for final disposal with the consent of learned counsel for the parties.

2] The petitioner claims to belong to Mannerwarlu – scheduled tribe. The certificate issued in favour of the petitioner by the Sub-Divisional Officer, Nanded, certifying that he belongs to Mannerwarlu – scheduled tribe was referred for verification to the scrutiny committee. However, the Scrutiny Committee adopted a view that since the petitioner hails from Parbhani District, he has to secure the certificate from the competent authority i.e. the Sub-Divisional Officer, Parbhani, and submit the same for verification. The certificate issued to the petitioner by the Sub-Divisional Officer, Nanded, has been canceled and confiscated with liberty to the petitioner to secure the certificate from the competent authority.

3] As a result of cancellation and confiscation of the tribe certificate, the employer has issued notice to the petitioner directing him to submit the certificate issued

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by the competent authority. As the petitioner apprehended action of termination of his services, he approached this Court seeking protection. The petitioner claims that he has tendered an application to the Sub-Divisional Officer, Parbhani, on 26.2.2016 for issuance of the tribe certificate and the application is stated to be pending.

4] Since the petitioner was issued a tribe certificate by the Sub-Divisional Officer, Nanded, *prima-facie*, the petitioner is entitled to claim the certificate, which would be subject to validation by the scrutiny committee. The Sub-Divisional Officer, Parbhani, shall issue the tribe certificate to the petitioner as expeditiously as possible and preferably within a period of four weeks from today.

5] On receipt of the certificate from the competent authority, the petitioner shall tender the same with the employer within a period of two weeks. The employer shall forward the proposal for verification of the caste certificate to the scrutiny committee on its receipt from the petitioner as expeditiously as possible and preferably within a period of four weeks. The scrutiny

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committee on receipt of the proposal shall determine the validation claim as expeditiously as possible and preferably within a period of one year. During pendency and disposal of the validation claim by the scrutiny committee, no adverse action shall be taken against the petitioner on the ground of his failure to submit the validation certificate.

6] With the directions as above, the writ petition is disposed of. Rule is made absolute accordingly. There shall be no order as to costs.

(K.L. WADANE, J.)

(R.M. BORDE, J.)