

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

WRIT PETITION NO. 6385 OF 2016

Malkhansing Mangalsing Sable
age major, occ. Service
r/o At post Godri,
Tq. Jamner
Dist. Jalgaon

.. PETITIONER

VERSUS

1. State of Maharashtra
Through its Secretary
Tribal Development,
Mantralaya,
Mumbai
2. The Scheduled Tribe Certificate
Caste Certificate Scrutiny Committee
Nandurbar Division, Nandurbar
Dist. Nandurbar.
3. The Deputy Collector,
Central Building,
Near Sasson Hospital,
Pune,
Tq. & Dist. Pune.
4. Sub Divisional Officer,
Mawal Mulshi Sub Division Pune
Tq. Baramati, Dist. Pune

.. RESPONDENTS

Mr. Girish Nagori, advocate for petitioner.
Mr. M.B. Bharaswadkar, AGP for the State.

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**CORAM : R.M. BORDE &
K. L. WADANE, JJ.
DATE : 21st JUNE, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.

3. Petitioner claims to be belonging to 'Naikda' tribe which is recognised as Scheduled Tribe. Petitioner was appointed as Talathi in the year 2012 as against the vacancy earmarked for Scheduled Tribe category. Petitioner states that the proposal in respect of validation of the tribe certificate issued in his favour was forwarded to the Scrutiny Committee, Nandurbar Division, Nandurbar vide outward no. 122 and, validation claim is pending with the Committee since then. Respondent no. 4 issued show cause notice to petitioner calling upon him to submit validation certificate within specified period and, as a result of failure of petitioner to submit validation certificate, his services have been terminated since 25.05.2016. It is not a matter of dispute that validation claim in respect of the certificate issued to petitioner is pending with the Scrutiny Committee since 2012 and that, as a result of failure of the Committee to decide the claim, petitioner has been penalised and his services have been terminated. It is not within the reach of petitioner to secure validation certificate within specified period and, as a result of failure of the Committee to take decision in the matter, petitioner cannot be put to dis-advantage.

4. In the facts and circumstances of the case, this petition can be disposed of by issuing direction to the Scrutiny Committee to take decision on the validation claim in respect of certificate issued to the petitioner, as expeditiously as possible, preferably within a period of eight months from today and, it is accordingly directed. Order passed by the Sub-Divisional Officer on 25.05.2016 directing termination of services of petitioner stands quashed and set aside and the concerned respondent is directed to re-

instate petitioner in employment subject to decision on the validation claim in respect of certificate issued in favour of petitioner and pending with the Scrutiny Committee. Rule is accordingly made absolute. No costs.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

dyb