

- 1 -

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.8160 OF 2016

Shahoobai D/o Baliram Narlawar
Age : 28 years, Occu : Service
R/o Markhel, Tq. Degloor
District : Nanded.

...Petitioner..

Versus

- 1 The State of Maharashtra,
Through, Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
- 2 The Chief Executive Officer,
Zilla Parishad Nanded
Dist. Nanded.
- 3 The Block Development Officer,
Panchayat Samiti Degloor
Dist. Nanded.
- 4 The Scheduled Tribe Caste
Certificate Verification
Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

...Respondents...

.....

Shri.S.M. Vibhute, Advocate for the Petitioner.
Shri.S.S. Dande, AGP for respondent no.1.
Shri.S.B. Pulkundwar, Advocate for respondent nos.2&3.

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**CORAM: R. M. Borde, &
K. L. Wadane, JJ.**

DATE: 01.08.2016

ORAL JUDGMENT (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken up for final hearing at the stage of admission.

2] The petitioner claims to belong to Koli Mahadev – scheduled tribe and is in receipt of the certificate issued by the competent authority certifying that she belongs to aforesaid reserved category.

3] The petitioner has been appointed as a Gram Sevak on contract basis by respondent no.2 as against a seat reserved for scheduled tribe category since 3.1.2012. As a result of failure of the petitioner to tender tribe validation certificate, her services have not been regularized and she has not been issued an order appointing her as a regular Gram Sevak in terms of Clause (6) of the appointment order issued on 3.1.2012. The claim for verification of the tribe certificate issued to the petitioner is stated to be pending since 2012 with the respondent no.4 – committee.

4] In the facts of this case, this petition can be disposed of with direction to the respondent no.4 –

- 3 -

committee to take decision on the tribe certificate verification proposal tendered by the petitioner pending with the committee as expeditiously as possible and preferably within a period of one year from today, and it is accordingly directed. In the meanwhile, subject to fulfillment of necessary requirements, the respondent no.2 shall consider the claim of the petitioner for regularization of her services as a Gram Sevak and the claim of the petitioner for regularization shall not be turned down merely on the ground of her failure to submit tribe validation certificate. It is stated by the petitioner that the tribe certificate issued to her is produced for verification to the scrutiny committee and as such it would be sufficient compliance if the petitioner tenders a certified / attested copy of the tribe certificate to the employer. The respondent nos.1 to 3 shall consider the claim of the petitioner for regularization as expeditiously as possible and preferably within a period of four months from today. It would be needless to mention that monetary benefits, if any, accruable to the petitioner on issuance of the order of regularization, shall be paid to her expeditiously.

- 4 -

5] The writ petition stands disposed of accordingly.
Rule is made absolute accordingly. There shall be no
order as to costs.

(K. L. Wadane, J.)

(R. M. Borde, J.)