

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

WRIT PETITION NO. 11796 OF 2016

Dnyaneshwar s/o Daulat Thakur
age 53 years, occ. Service,
r/o Waghadi (Bk.), Tq. Sindkheda,
Dist. Dhule, At present residing at
Satana, Tq. Baglan, Dist. Nashik

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Principal Secretary,
Tribal Development Department,
Mantralaya, Mumbai 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Nandurbar
Through its Member Secretary and
Dy. Director (Research) having its
Office at Nandurbar, Division Nandurbar
Near R.T.O. Office, Sakri Road,
Nandurbar 425412
3. The Collector,
Collector Office, Nashik
Tq. & Dist. Nashik

.. RESPONDENTS

Mr. K.T. Shirurkar, advocate for petitioner.
Mr. S.J. Salgare, AGP for the State.

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**CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 29th NOVEMBER, 2016.**

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of the learned counsel for respective parties.
2. Petitioner claims to be belonging to Thakur Scheduled Tribe and is in receipt of tribe certificate issued by the Competent Authority. Petitioner has

been appointed on the post of Sr.Clerk under the control of District Collector as against the seat reserved for Scheduled Tribe category. Tribe certificate issued in favour of petitioner has been referred for verification to respondent no. 2 Scrutiny Committee in the year 2013 and the proposal is stated to be still pending. As a result of failure of petitioner to submit validation certificate within specified period, the employer i.e. respondent no. 3 has issued notice on 20.10.2016 calling upon the petitioner to submit validation certificate within a period of one month from the date of issuance of notice. It has further been warned that in the event of failure, appropriate action would be taken against the petitioner.

3. In view of the facts enumerated above, this petition can be disposed of by issuing directions to respondent no. 2 – Scrutiny Committee to take decision on the proposal in respect of verification of tribe certificate issued in favour of petitioner, as expeditiously as possible, preferably within a period of six months from today and, it is accordingly directed. In the meanwhile, respondent no. 3 is directed not to take any coercive action against petitioner on the ground of his failure to submit validation certificate. It would however be open for the employer to take appropriate steps as permissible in law dependent upon the result in respect of tribe certificate verification proposal pending with respondent no. 2 – Scrutiny Committee. Writ petition accordingly stands disposed of. Rule made absolute.

(SANGITRAO S. PATIL)
JUDGE

dyb

(R. M. BORDE)
JUDGE