

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

WRIT PETITION NO. 1511 OF 2017

**RAMESH BABURAO BUDHWARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Shri Maney V. M.
AGP for Respondents/ State : Shri A.R.Kale.
Advocate for Respondent 3 : Shri V.R.Sonwalkar.
Advocate for Respondent 4 : Shri Katneshwarkar S.P.

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**CORAM: S.C. DHARMADHIKARI
AND
MANGESH S. PATIL, JJ.**

DATE :- 29th June, 2017

PC.:

1 The Petitioner has approached this Court seeking a direction against the Scrutiny Committee to decide his tribe claim as belonging to "Koli Mahadev" within a stipulated period.

2 The Petitioner, on the strength of the tribe certificate, has completed D.Ed. course in the year 2012 and thereafter, was admitted to B.A. degree course in Yeshwantrao Chavan Open University for the academic year 2013-2014. The claim underlying the tribe certificate was forwarded for scrutiny and verification on 13.11.2013. The Petitioner then sought an opportunity of employment and he was appointed as Shikshan

Sevak by Respondent No.4. After successful completion of the tenure, he now claims that he is an Assistant Teacher. In the sense, he is confirmed in the post. Yet, the certificate of validity has not been issued to him and that is the reason why the Employer is not paying the salary nor intends to continue the Petitioner in such state of affairs.

3 Having found that the Petitioner is not at fault and confirming that position from the records which have been produced by the learned AGP, we are of the view that it is entirely because of the Scrutiny Committee's inaction that the certificate of validity could not be obtained. The Scrutiny Committee has sat over the file for nearly four and half years.

4 In these circumstances, we are of the opinion that whatever may be the procedural compliances, the Scrutiny Committee should now verify the claim and pass requisite orders within a period of THREE MONTHS from the date of receipt of a copy of this order. The Petitioner's employment shall not be disturbed until the Scrutiny Committee passes requisite orders.

5 Since we have found that the Petitioner was not at fault and has not delayed the verification and scrutiny of his tribe claim, we direct Respondent Nos.3 and 4 to release all arrears of the salary, if not already released, within a period of ONE MONTH from today. We also direct Respondent Nos.3 and 4 to continue and pay the salary to the

Petitioner provided the Petitioner renders the service. This should continue until the Scrutiny Committee passes the requisite orders.

6 The Writ Petition is disposed of in terms of these directions.

kps

(MANGESH S. PATIL, J.)

(S.C. DHARMADHIKARI, J.)