

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

WRIT PETITION NO.2890 OF 2017

The State of Maharashtra ..Petitioner

Vs.

The Sandu Ukhaji Gawali ..Respondent

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Mr.S.B.Pulkundwar, AGP for petitioner

Mr.S.D.Joshi, Advocate for respondent

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**CORAM : S.V. GANGAPURWALA AND
SANGITRAO S. PATIL, JJ.
DATE : APRIL 03, 2017**

ORDER :

Mr.Pulkundwar, learned AGP for the petitioner submits that the present respondent was appointed from Scheduled Tribe category and as he had not produced the validity certificate, his pensionary benefits were withheld.

2. Mr.Joshi, learned Counsel for the respondent submits that in fact, the present respondent was appointed in open category and as

such, there was no question of submitting the tribe validity certificate.

3. We have considered the submissions canvassed by learned Counsel for the parties. The Tribunal, in the impugned judgment, has observed that there is nothing on record to establish that the present respondent was appointed from Scheduled Tribe category, except the Service-Book, wherein it is stated that that the respondent belongs to 'Koli Malhar' Scheduled Tribe. The Tribunal has considered the appointment order of the respondent, which does not state that the respondent was appointed from reserved category. The Tribunal has also considered the Government Resolution dated 15.06.1995, wherein services of the persons appointed prior to 1995, are safeguarded. It is also not the case of the petitioner that the respondent had not submitted his tribe certificate. The tribe certificate submitted by the respondent was referred to the

Committee, but the committee had not taken any decision, for which, the respondent cannot be faulted.

4. In the light of the above, the Writ Petition stands dismissed. No costs.

[SANGITRAO S. PATIL, J.] [S.V. GANGAPURWALA, J.]

kbp