

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.4113 OF 2017

Sachin S/o Shankarrao Gundalwar

age: 25 years, occu: service,

R/o Bhat Galli, Degloor

Tq. Degloor, Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra
 through its Secretary,
 Tribal Development Department,
 Mantralaya, Mumbai

2 The Commissioner,
 Thane Municipal Corporation,
 Dist. Thane

3 The Deputy Commissioner (Head Quarter)
 Thane Municipal Corporation,
 Dist. Thane

4 The Scheduled Tribe Caste Certificate
 Verification Committee Aurangabad
 Through its Dy. Director (R)
 Aurangabad

Respondents

Mr. S. M. Vibhute advocate for the petitioner

Mr. A. R. Kale Assistant Government Pleader for Respondent No. 1

Mr. L. V. Sangit advocate for respondent Nos.2 & 3

CORAM : R.M. BORDE &
K.L. WADANE, JJ

(Date : 5th APRIL, 2017.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard

2 Rule. With the consent of the parties, petition is taken-up for final disposal at admission stage.

3 The petitioner claims to belong to *Koli Mahadev*, scheduled tribe and is in receipt of tribe certificate issued by the Competent authority in that regard. The petitioner has been appointed as a Stores Keeper in the Health Department of respondent No.2 Corporation, as against a seat, reserved for scheduled tribe category on 12.1.2016. In view of the condition stipulated in the order of appointment, the petitioner was mandated to submit validation certificate within a period of six months from the date of issuance of order of appointment. The petitioner was directed by the employer to submit proof, in respect of pendency of validation claim with the scrutiny committee, by a communication dated 16.11.2016. The petitioner tendered a certificate, issued by

the scrutiny committee in respect of pendency of validation claim on receipt of the aforesaid communication. However, the employer proceeded to direct termination of services by order dated 18.3.2017 on account of failure of the petitioner to submit validation certificate. The petitioner contends that, it is not within his reach to secure validation certificate, within specified time frame and it is for the scrutiny committee to take decision in the matter.

4 It is a matter of common knowledge that, there are thousands of verification claims, pending with the scrutiny committee and it takes substantial time for the scrutiny committee to take decision in such matter. The petitioner cannot be penalized on account of failure of the scrutiny committee to take decision in the matter relating to validation of the tribe certificate. It was unreasonable for the employer to take extreme action of terminating services of the petitioner on account of his failure to submit validation certificate.

5 In the facts and circumstances of the case, this petition can be disposed of by directing the scrutiny committee to take decision on the proposal tendered by the petitioner for validation of the tribe certificate, as expeditiously as possible and preferably

within a period of six months from today and it is accordingly directed.

6 The order passed by the employer on 18.3.2017 directing termination of services of the petitioner stands quashed and set aside and petitioner shall be reinstated in employment and shall be continued subject to decision in respect of the tribe certificate validation proposal pending with the scrutiny committee.

7 Rule is accordingly made absolute.

8 There shall be no order as to costs.

(K.L. WADANE, J)

(R.M. BORDE, J)