

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

WRIT PETITION NO. 8259 OF 2017

RUSHIKESH SURESH THAKUR
VERSUS
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE NANDURBAR
THROUGH ITS MEMBER SECRE

...
Advocate for Petitioner : Shri Deshmukh Mahesh S.
AGP for Respondents/ State : Shri P.S.Patil.
...

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

DATE :- 28th June, 2017

PC.:

1 The Petitioner has been called upon by the employer to furnish a certificate of validity else his employment would come to an end.

2 The grievance of the Petitioner is that though he was successful in obtaining the tribe certificate dated 04.08.1998 and on that basis, obtaining employment as a Junior Clerk with Respondent No.3/ Shri Seth Murlidharji Mansingka Arts, Science and Commerce College, Pachora, District Jalgaon on 29.06.2015, for no fault of the Petitioner the tribe validity certificate is withheld. In fact, the Petitioner says that when he was student that certificate was forwarded for verification and scrutiny to the Scrutiny Committee and way back on 29.12.2007. Thereafter, though the scrutiny was incomplete, he was employed subject to

fulfillment of the condition of production of a tribe validity certificate. Now, the Employer is fed up and has called upon the Petitioner to furnish the tribe validity certificate latest by 01.07.2017 else his employment would be in jeopardy.

3 On such petition, we called upon the learned AGP to seek instructions from the Scrutiny Committee at Nandurbar. Today, the learned AGP has produced a true copy of the letter dated 27.06.2017 addressed to him by the Joint Commissioner and Vice President of the Scrutiny Committee at Nandurbar. We take that letter on record and mark the same as Exhibit X for identification.

4 After hearing both sides, we are of the view that once the claim is pending from 29.12.2007, it ought to be scrutinized expeditiously by giving this case a priority. There is no justification now for the past conduct or act, nor can we accept a general and vague explanation that all members of the old Scrutiny Committee were transferred and hence, the case remained pending. Further, we are not impressed by the number of cases that are pending with this Scrutiny Committee.

5 The Scrutiny Committee at least should be aware that it is being called upon to furnish an explanation by the highest court in the State. The highest court in the State has nearly 5 lac cases at it's Principal Seat and Benches taken together. It does not provide any such explanation as is now introduced and on record. That more cases are pending is,

therefore, no justification for the delay.

6 In these circumstances we reject this explanation and direct the Scrutiny Committee to complete the verification and scrutiny latest by 30.09.2017. Till the Scrutiny Committee completes the process and passes a final order, Respondent No.3 shall not terminate the services of the Petitioner. However, the Petitioner cannot claim any equities on the strength of our order.

7 The Writ Petition is, accordingly, disposed of.