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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.9256/2017

Vishnu Manjiram Gawali.

...Petitioner..

Versus

The State of Maharashtra & others.

...Respondents...

.....

Shri Pratap V. Jdhavar, Advocate for petitioner.

Shri D.R. Kale, AGP for respondent nos.1 to 4.

.....

**CORAM: S.C. DHARMADHIKARI &
SANGITRAO S. PATIL, JJ.**

DATE: 21.07.2017

ORDER :

1] Heard learned counsel for the parties.

2] The petitioner states that he had been issued a certificate certifying him to be belonging to Koli Mahadev – scheduled tribe. On the strength of this certificate, the petitioner was appointed as a Clerk against a reserved seat / post by the Collector, Palghar Dist.Palghar. The petitioner joined this post after his selection was made by the duly constituted selection committee on 7.11.2015. Thereafter, the caste / tribe

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certificate was forwarded to the Scheduled Tribe Scrutiny Committee – respondent no.2 in December, 2016. That committee is yet to verify and scrutinize the claim and pass a final order.

3] In the meanwhile, the respondent nos.3 and 4 have threatened the petitioner with the termination of the services for failure on his part to produce the validity certificate.

4] It is common ground that once the proposal has been forwarded to the Scrutiny Committee, the Committee is obliged to decide it in terms of the Maharashtra Act No.23 of 2001. It has to issue notice to the petitioner and follow and apply principles of natural justice. Equally it has to abide by the procedure prescribed under the Act and Rules. All this takes time and it is not the petitioner who is at fault if the process is not completed within a certain period. In such circumstances, the petitioner's services should not be terminated.

5] We direct that the petitioner be allowed to report for duties and his services shall not be terminated for non-production of the tribe validity certificate. The

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Scrutiny Committee shall scrutinize and verify the claim made by the petitioner as expeditiously as possible. The petitioner's appointment shall abide by the final orders that may be passed by the Scrutiny Committee on the petitioner's tribe claim.

6] The writ petition is disposed of accordingly. No costs.

(SANGITRAO S. PATIL, J.) (S.C. DHARMADHIKARI, J.)