

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

901 WRIT PETITION NO. 12297 OF 2016

ARUN PRAKASH REKADAGE  
VERSUS  
SCHEDULED TRIBE CERTIFICATE SCRUTINY COMMITTEE AURANGABAD  
THROUGH ITS MEMBER SECR

...  
Advocate for Petitioner : Mr. Phatale Sagar S  
AGP for Respondents: Mr. A.R. Kale  
Advocate for Respondents : Mr. G.J. Kore for R/3.  
Advocate for Respondents : Mr. B.A. Shinde for R/2.  
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**CORAM : S.C. DHARMADHIKARI &  
MANGESH S. PATIL, JJ.**  
**DATE : 15.06.2017.**

**P.C. :-**

. By our earlier order, we have ensured that the learned A.G.P. obtains instructions with regard to expeditious disposal of the proceedings before the Scheduled Tribe Certificate Scrutiny Committee at Aurangabad.

2. On instructions, it is stated that the proceedings would be disposed of within two months from the date of receipt of a copy of this order.

3. The second and final aspect about the payment of salary to the petitioner by the management is also being decided by this order.

The petitioner's counsel on the earlier occasion made a grievance that merely because the Scheduled Tribe Certificate Scrutiny Committee at Aurangabad has not scrutinized and verified his caste claim and has delayed the process, the management has taken a convenient stand. It has not paid salaries to the petitioner pursuant to his appointment order dated 05.04.2013 for the past nearly two years. The salaries have not been paid from 2015.

4. We are surprised with this approach of the authorities. The petitioner was employed by the management by appointing him against a reserved seat but on a condition that he produces a caste validity certificate. The petitioner could not have got it issued himself. He had to approach a Competent Scrutiny Committee set up in terms of the Maharashtra Scheduled Castes, Scheduled Tribes, De-notified Tribes, (Vimukta Jatis), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000 (for short the "Maharashtra Act No. 23 of 2001") and request it to grant the certificate after verification and scrutiny of the claim. On his part, the petitioner forwarded his caste certificate and is ready and willing to face the inquiry or any process of verification and scrutiny by such statutory committee. He has not delayed the matter. He

has no control over the proceedings of the statutory committee.

5. Therefore, we called upon the Education Officer (Primary) Zilla Parishad to take instructions as to whether he can exercise his supervisory powers and direct the management to pay the salaries which have been withheld. As that aspect has no connection to the petitioner's employment, his satisfactory rendition of service and his right to draw emoluments therefore has no connection with the pendency of the proceedings before the scrutiny committee for the petitioner continues to be employed by the management. The Education Officer (Primary) has stated before us, through his Advocate that such directions as are in contemplation of this Court cannot be issued to the management. Thereupon, we inquired from the advocate for the respondent no.3-management about the correctness of the statement made by the petitioner's advocate with regard to non-payment of salaries. He states that the salary indeed has not been paid. However, on instructions he makes a statement that within a period of two months from today, all the arrears of the salary would be paid to the petitioner without prejudice to the rights and contention of the management to proceed against him in the event, the caste claim is refused and the petitioner is unable to

produce caste validity certificate.

6. Reserving that right and without prejudice to the contentions of all parties, we direct that within two months from the date of receipt of a copy of this order, the arrears of salary be released by the management and it shall continue to pay salary month to month, until the scrutiny committee decides and disposes of the proceedings before it.

7. If the scrutiny committee issues the caste validity certificate and the petitioner continues in the employment of the respondent no.3, then, the salary shall be released for the future months as well. The writ petition stands disposed of.

**[MANGESH S. PATIL, J.]**

**[S.C. DHARMADHIKARI, J.]**