

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

WRIT PETITION NO. 1289 OF 2016

GUNVANT GANGARAM TARFE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

Mr.G.J.Kore, Advocate for the petitioner  
Mrs.R.P.Gaur, AGP for the respondent/State  
Mr.U.M.Mhaske, Advocate h/f Mr.R.V.Naiknavare, Advocate  
for the respondent No.4  
Mr.Vivek Jadhav, Advocate h/f Mr.S.N.Patil, Advocate for  
the respondent No.5

**CORAM : S.V. GANGAPURWALA &  
S.M. GAVHANE, JJ.  
DATED : 28.11.2017**

**P.C. :-**

. Mr.Kore, learned Advocate for the petitioner submits that respondent No.5 was promoted from the reserved class. He does not possess the validity certificate. The petitioner possesses the validity certificate. As the petitioner possess the validity certificate the petitioner ought to have been considered for promotion in place of respondent No.5. Respondent No. 5 is promoted in the year 2001. The petitioner possess the validity certificate of tribe since the year 2003.

2. Mr.Jadhav, learned counsel for respondent No.5 submits that the validation proceedings were referred to

the Committee, the Committee cancelled the tribe certificate on the ground of spelling mistake of tribe in the certificate. The respondent No.5 had approached this Court by filing writ petition No.10221/2017. This Court allowed the writ petition directed the Committee to return the original and further gave direction to SDO to issue corrected tribe certificate within eight weeks. Respondent No.5 has already approached the Committee and has given undertaking alongwith application on 11.10.2017 for return of original certificate so as to submit it before the SDO. Learned counsel submits that respondent No.5 will abide by the stipulation in the order of this Court dated 29.08.2017 in writ petition No.10221/2017.

3. We have heard learned AGP and learned counsel for the respondent Nos.4 & 5.

4. At the time, when respondent No.5 was promoted even the petitioner did not possess the validity certificate. Even otherwise while allowing the writ petition filed by respondent No.5 bearing writ petition No.10221/2017 this Court had given directions and the stipulation with regard to time within which the proceedings should be decided. In the said order this Court had also directed respondent therein not to take any coercive action against the petitioner therein i.e.

respondent No.5 merely on the ground that tribe certificate is invalidated on technical ground.

5. Considering the above no case is made out for interference at this stage. In case the respondent No.5 does not adhere to the stipulations laid down in the judgment of this Court in writ petition No.10221/2017 dated 29.08.2017 then the petitioner may reiterate his grievance. The writ petition stands disposed of. No costs.

**[S.M. GAVHANE, J.]**

**[S.V. GANGAPURWALA, J.]**