

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 707 OF 2018

Shivkumar Vasantryao Gandapwar

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri A. S. Shinde, A.G.P. for Respondent Nos. 1 to 5.

CORAM : **S. V. GANGAPURWALA &**
A. M. DHAVALA, JJ.

DATE : **1st February, 2018**

PER COURT :

1. The proposal of the petitioner seeking validity to his tribe certificate is rejected on the ground that the name of the tribe is wrongly spelt in the tribe certificate and upon rejection of the said proposal the petitioner is terminated from service.

2. The proposal of the petitioner seeking validity of his tribe claim is referred on 9th October, 2011. The petitioner was appointed by the respondent on 16.1.2014. On 10th January, 2018, the petitioner's services were terminated on the ground

that his tribe claim is invalidated. On 24th January, 2017, the tribe claim of the petitioner was invalidated on the ground that tribe was wrongly spelt.

3. In fact the petitioner could have taken appropriate steps immediately.

4. Be that as it may, considering that on technical ground the proposal is invalidated, we pass the following order.

ORDER

I] The petitioner shall apply within one week to the Sub Divisional Officer, Degloor, for issuance of tribe certificate of “Mannervarlu”, Scheduled Tribe.

II] On receipt of an application, the Sub Divisional Officer, Degloor, shall issue the tribe certificate to the petitioner within three (3) weeks on receipt of an application.

III] On receipt of the tribe certificate the petitioner shall immediately within two (2) weeks submit proposal to the committee for verification of the tribe claim.

IV] The committee shall expeditiously decide the proposal of the petitioner.

V] As the petitioner is terminated only on the ground that his tribe claim is invalidated we set aside the order of termination and direct the respondent to reinstate the petitioner on his original post if the same is not filled in and if the original post which the petitioner was occupying is filled in, then should be posted on some other place.

VI] The services of the petitioner would be subject to the decision of the committee in the validation proceeding.

VII] The petitioner will be entitled for continuity but will not be entitled for salary from the date of termination till this date.

5. The writ petition is accordingly disposed of with aforesaid observations. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]