

ISM

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CIVIL APPELLATE JURISDICTION****WRIT PETITION NO. 8257 OF 2016**

Jidnyasa Bhaskar Shinde

.....Petitioner

V/s.

State of Maharashtra through Secretary
and others

.....Respondents

Mr. R. K. Mendadkar for the Petitioner

Mrs. M. P. Thakur AGP for Respondent nos. 1 & 2 State

**CORAM : R. M. SAVANT &
NITIN W. SAMBRE, JJ.****DATE : 31st OCTOBER, 2018.****P.C.**

The Petitioner by way of the above Petition seeks a direction that the Respondent no. 2 Scheduled Tribe Certificate Scrutiny Committee ('STCSC' for short) be directed to decide the tribe claim of the Petitioner within a particular time frame. The Petitioner was appointed as 'Junior Assistant' on contract basis for a period of three years vide appointment letter dated 29/01/2016. In terms of

the said appointment letter, the Petitioner was required to produce the caste validity certificate within the time stipulated in the said letter. There can be no dispute about the fact that the Petitioner's caste certificate as belonging to 'Thakur' Scheduled Tribe has been referred to STCSC which fact is evidenced by the letter dated 29/01/2016 addressed by the Superintending Engineer of the Respondent no. 3 to the STCSC. It is also undisputed position that the proceedings relating to tribe claim of the Petitioner are as yet pending. None appears for Respondent no. 3 i.e. the employer of the Petitioner, though served.

2 In view of the fact that the Petitioner's continuance in service would hinge upon the decision that would be rendered by the STCSC, we direct the STCSC to adjudicate upon the Petitioner's tribe claim latest by 30/04/2019 by giving proper opportunity to the Petitioner. Petitioner to appear before the STCSC on 14/11/2018 and STCSC thereafter to decide the tribe claim of the petitioner within the time stipulated by the instant order. Until the Petitioner's tribe claim is decided, no coercive steps be taken against the

Petitioner in respect of his service on the ground that the Petitioner has not produced the caste validity certificate.

3 With the directions as aforesaid, the Writ Petition is disposed of.

[NITIN W. SAMBRE, J.]

[R. M. SAVANT, J.]