

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION St.NO. 24221 OF 2018**

**Kishor Sambhaji Thakur
Vs.**

..Petitioner

**The State of Maharashtra through
Secretary, Tribal Development Dept & Ors**

..Respondents

**Ms P. A. Shaw I/b Mr. R. K. Mendadkar for the Petitioner
Mrs. Rupali Shinde AGP for the Respondent State**

**CORAM :R. M. SAVANT, &
NITIN W. SAMBRE, JJ
DATE : 11th OCTOBER, 2018**

P.C.

1 The above Writ Petition has been filed principally for the relief that the Respondent No.2 Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar, be directed to decide the tribe claim of the Petitioner expeditiously.

2 The above Petition has been moved on an urgent basis in view of the notice dated 6-10-2018 of the Deputy Commissioner of Police Head Quarters, Nashik, copy of which is addressed to the Petitioner. By the said notice it has been informed that if within a period of one month of the receipt of the notice the Petitioner fails to produce the validity certificate, then action for termination of the Petitioner's services would be taken unilaterally. The Petitioner was appointed as constable in the year 2001 in a seat meant for

Scheduled Tribe. The Petitioner it seems had produced his tribe certificate as belonging to Thakur Schedule Tribe at the time of his appointment. The Petitioner was thereafter in the year 2013 promoted as Police Naik and it is the case of the Petitioner that he has thereafter been promoted as Head Constable and is presently posted at Nashik in the Head Quarters.

3 It is an undisputed position that the tribe claim of the Petitioner is pending before the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar. In view of the fact that the Petitioner's entitlement to continue in service hinges upon whether the Petitioner's claim of belonging to Thakur-Scheduled Tribe is accepted, we deem it appropriate to direct the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar Division, Nandurbar to hear and decide the Petitioner's claim latest by 31-12-2018. Until then no precipitative steps to be taken against the Petitioner for non production of the validity certificate. The above Writ Petition is allowed to the aforesaid extent and is disposed of.

4 Copy of the notice dated 6-10-2018 is taken on record and marked as "X" for identification.

5 All parties to act upon a copy of the instant order duly authenticated.

[NITIN W. SAMBRE, J]

[R.M.SAVANT, J]