

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

922 WRIT PETITION NO.1438 OF 2019

**RAJESINGH MANGA KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. S. R. Barlinge
AGP for Respondent : Mr. V. S. Badak

...

**CORAM : PRASANNA B. VARALE
AND
S. M. GAVHANE, JJ.**

DATE : 7th February, 2019

ORAL ORDER :

1. Heard the learned counsel Mr. Barlinge for the petitioner.
2. A very limited prayer made in the petition and it is in the form of directions to the Scrutiny Committee to decide the direct claim of the petitioner. It may not be necessary for us to refer the facts in detail, suffice it to say that the petitioner on the basis of his qualification, submitted his claim for the post of teacher. The petitioner is belonging to the Tokre Koli Scheduled Tribe. The copy of the appointment order is also placed on record. It is submitted that the petitioner is on the basis of his academic qualification was appointed as full time teacher on 19.08.1999 in respondent No. 3

Junior College/Higher Secondary School. Learned counsel Mr. Barlinge submitted that the petitioner is possessing the Caste Certificate, issued by the competent authority i.e. Sub-Divisional Officer dated 20.04.2018. Copy of the same is placed on record.

3. The claim of the petitioner for validation was forwarded by the committee and the committee received it on 24.04.2018. Copy of the proforma claim with endorsement of the committee is placed on the record at Exhibit-C. The learned counsel then submitted that the petitioner has also placed on record the family tree of the petitioner by way of an affidavit and is having every hope of success in validation of his tribe claim but for the pendency of the claim before respondent No. 2 – Committee, the petitioner was constrained to approach this Court by present writ petition. It is also the submission of the Mr.Barlinge that respondent No. 3, the employer is insisting upon the petitioner and the petitioner apprehends that failure to submit the validity certificate may lead to the adverse action to his service.

4. On perusal of the documents placed on record, we are of the opinion that the counsel of the petitioner has made out the case. The petition as such is disposed of at the admission stage by issuing the directions to respondent No. 2 – Tribe Committee to decide the tribe claim of the petitioner as expeditiously as possible and not later than

12 weeks from the date of order of this Court. We are further directed respondent No. 3 not to take any adverse action against the petitioner, till the committee decides the claim of the petitioner. With these directions, petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)