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

WRIT PETITION NO.1335 OF 2019

Sajansing s/o Bhavsing Sattavan
Age: 25 years, Occ: Service,
R/o. Warzadi, Tq. Gangapur,
Dist. Aurangabad.

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
 2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad.
 3. The Collector, Palghar,
Dist. Palghar.
 4. The Tahasildar, Dahanu,
Tq. Wada, Dist. Palghar.
- ..RESPONDENTS

Mr Sunil M. Vibhute, Advocate for petitioner;
Mr V.S. Badakh, Advocate for respondent/State

WITH

WRIT PETITION NO.1342 OF 2019

Varsha D/o Anantkumar Devale,
Age: 23 years, Occ: Service,
R/o. Borda, Tq. Gangakhed,
Dist. Parbhani.

..PETITIONER

VERSUS

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1. The State of Maharashtra,
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad.
3. The Collector, Palghar,
Dist. Palghar.
4. The Tahasildar, Dahanu,
Tq. Dahanu, Dist. Palghar. ..RESPONDENTS

Mr Sunil M. Vibhute, Advocate for petitioner;
Ms R.P. Gour, Advocate for respondent/State

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

DATE : 30th JANUARY, 2019

ORAL ORDER :

Heard learned Counsel appearing for the
petitioners.

2. Both the petitioners are before this Court
seeking direction to respondent No.2 - The
Scheduled Tribe Certificate Verification Committee,

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Aurangabad (hereinafter referred to as 'Scrutiny Committee' for the sake of brevity) as well as for protection to the services.

3. Petitioner Sajansing s/o Bhavsing Sattavan in Writ Petition No. 1335 of 2019 was appointed as Clerk Typist from Scheduled Tribe category on 7th November, 2015 and is working in the office of respondent No. 4 - Tahasildar, Dahanu. He is possessing certificate issued by the Sub Divisional Officer, Vaijapur on 16th August, 2013 that he is belonging to '*Thakur*', *scheduled tribe*.

4. Insofar as petitioner Varsha d/p Anantkumar Devale in Writ Petition No.1342 of 2019 is concerned, she was appointed as a Clerk Typist from Scheduled Tribe category by order dated 18th July, 2016 and is working in the office of respondent No.4 - Tahasildar, Dahanu. Petitioner - Varsha is also possessing caste certificate issued by Deputy Collector, Parbhani, on 28th June, 2009 that she is belonging to '*Koli Mahadev*', *scheduled*

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tribe.

5. The claims of these petitioners were forwarded for validation to respondent No.2 - Scrutiny Committee. Respondent No.2 - Scrutiny Committee received the claim of petitioner Sajansing on 17th July, 2015. Similarly, the claim of petitioner Varsha was received by respondent No. 2 - Scrutiny Committee on 15th March, 2014.

6. Both the petitioners were served with notice issued by the District Collector, Palghar dated 25th January, 2019. The petitioners were informed to submit validity certificates within seven days. Failure to submit validity certificates would result in terminating the services of the petitioners is caution warning given to the petitioners.

7. Mr. Vibhute, learned Counsel appearing for the petitioners vehemently submitted that though the petitioners time and again approached the

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Scrutiny Committee and requested orally to the Committee for expeditious decision of the claim, the petitioners were informed that the Committee will decide the claim and the Committee will also issue notice to the petitioners but neither notices are issued to the petitioners nor their claims are decided.

8. Insofar as petitioner Varsha is concerned, she has submitted various representations to the Collector as well as Scrutiny Committee. One of such representation made by petitioner Varsha is received by the Committee on 30th June, 2017. Petitioner Varsha accordingly apprised the Collector and assured that as soon as the claim is decided, she would submit certificate to the office of the Collector.

9. Learned Counsel for the petitioners submitted that for no fault of these petitioners, the petitioners would be subjected to an extreme action of termination of services for non

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submitting the validity certificate. As such, he pressed for protection of the services of the petitioners till decision of the Scrutiny Committee.

10. Considering the documents placed on record, we find merits in the submission of learned Counsel appearing for the petitioners. Learned Counsel for the petitioners made out a case. Learned Counsel for the petitioners was also justified in submitting before us that the petitioners except requesting the Committee play no more role in the early decision and the Committee takes its own time for the decision of the claim of the petitioners.

11. Resultantly, both the petitions are partly allowed. The Scrutiny Committee is directed to decide the claim of the petitioners, as expeditiously as possible and not later than twelve (12) weeks from the date of this order.

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12. Till decision of the claim by respondent No.2 - Scrutiny Committee, respondent No. 3 - Collector, Palghar is directed not to take any action in pursuance of the notice dated 25th January, 2019. In case, the claim of the petitioners is invalidated, the authority, more particularly, respondent No. 3 - Collector, Palghar is at liberty to take appropriate steps.

13. With these directions, both the petitions are disposed of.

(**S.M.GAVHANE**)
JUDGE

(**PRASANNA B. VARALE**)
JUDGE

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