

(1)

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

WRIT PETITION NO.1336 OF 2019

Govind s/o Ramrao Salkamwad,
Age: 27 years, Occ: Service,
R/o. Wadoli, Tq. Kinwat,
Dist. Nanded.

..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 Superintendent of Police,
Palghar, Dist. Palghar.
4. The Dy. Superintendent Office (Home)
Palghar, Officer of Superintendent
Palghar, Dist. Palghar. ..RESPONDENTS

Mr Sunil M. Vibhute, Advocate for petitioner;
Mrs M.A. Deshpande, Advocate for respondent/State

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

DATE : 30th JANUARY, 2019

(2)

ORAL ORDER :

Heard learned Counsel appearing for the petitioner.

2. The petitioner is before this Court seeking direction to respondent No.2 - The Scheduled Tribe Certificate Verification Committee, Aurangabad (hereinafter referred to as 'Scrutiny Committee' for the sake of brevity) as well as for protection to the service.

3. The petitioner was appointed as Police Constable from Scheduled Tribe category on 27th July, 2016 and is working in the office of respondent No. 3 - Superintendent of Police, Palghar. He is possessing certificate issued by the Sub Divisional Officer, Kinwat on 19th October, 2011 that he is belonging to 'Koli Mahadev', *scheduled tribe*.

4. The claim of the petitioner was forwarded for validation to respondent No.2 - Scrutiny

(3)

Committee. Respondent No.2 - Scrutiny Committee received the claim of the petitioner on 24th August, 2017.

5. The petitioner was served with notice issued by the Deputy Superintendent of Police (Home), Office of the Superintendent of Police, Palghar dated 31st December, 2018. The petitioner was informed to submit validity certificate within one month. Failure to submit validity certificate would result in terminating the services of the petitioner is caution warning given to the petitioner.

6. Mr. Vibhute, learned Counsel appearing for the petitioner vehemently submitted that though the petitioner time and again approached the Scrutiny Committee and requested orally to the Committee for expeditious decision of the claim, the petitioner was informed that the Committee will decide the claim and the Committee will also issue notice to the petitioner but neither notice is issued to the

(4)

petitioner nor the claim of the petitioner is decided.

7. Learned Counsel for the petitioner submitted that for no fault of the petitioner, the petitioner would be subjected to an extreme action of termination of services for non submitting the validity certificate. As such, he pressed for protection of the services of the petitioner till decision of the Scrutiny Committee.

8. Considering the documents placed on record, we find merits in the submission of learned Counsel appearing for the petitioner. Learned Counsel for the petitioner made out a case. Learned Counsel for the petitioner was also justified in submitting before us that the petitioner 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 petitioner.

(5)

9. Resultantly, the petition is partly allowed. The Scrutiny Committee is directed to decide the claim of the petitioner, as expeditiously as possible and not later than twelve (12) weeks from the date of this order.

10. Till decision of the claim by respondent No.2 - Scrutiny Committee, respondents - authorities, more particularly, respondent Nos. 3 and 4 are directed not to take any action in pursuance of the notice dated 31st December, 2018. In case, the claim of the petitioner is invalidated, the authorities, more particularly, respondent Nos. 3 and 4 are at liberty to take appropriate steps.

11. With these directions, the petition is disposed of.

(S.M.GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE