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

WRIT PETITION NO.2742 OF 2019

Ompakash s/o Shivaji Marakwad,
Age: 25 years, Occu: Service,
R/o: Umardariwadi, Tq. Mukhed,
Dist. Nanded

..PETITIONER

VERSUS

1. The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad,
Through its Deputy Director (R),
Aurangabad
3. The Chief Conservator of Forest,
Van Bhavan, Thane Forest Circle,
Near Microwave Tower, Bara Bungalow Area,
Krishna Borker Marg, Kopri,
Thane East, Dist: Thane
4. The Deputy Conservator of Forest (Terroterial),
Shahapur, Tq. Shahapur,
Dist. Thane
5. The Director,
Forest Training Institute, Shahapur,
Dist. Thane

..RESPONDENTS

Mr S. M. Vibhute, Advocate for petitioner;
Mr K. N. Lokhande, A.G.P. for respondents

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

DATE : 27th February, 2019

ORAL ORDER:

Heard Mr Vibhute, learned Counsel appearing on behalf of the petitioner.

2. Considering the material placed on record on the backdrop of the grievance of the petitioner, we are inclined to dispose of the petition at the admission stage.

3. The petitioner has placed on record caste certificate dated 4th July, 2008, issued in his favour by the Deputy Collector, Nanded to submit that the petitioner belongs to "Mallerwarlu Tribe". The petitioner was appointed in the services of the State Government and more particularly in the service of respondent Nos.3 and 4 as a 'Peon'. The petitioner's claim for validation was forwarded to the Scrutiny Committee. A copy of the document placed on record at Exh.'A' shows that the Committee accepted the claim on 14th September, 2011 for validation. The claim of the petitioner is pending before the Committee. Along with the petitioner, respondent Nos.4 and 5 also submitted the representations to the Committee requesting it for early decision of the claim of the petitioner.

4. On 27th December, 2018, respondent No.3 - Chief Conservator of Forest, Thane issued order and in the said order, it is observed that the petitioner failed to submit validity certificate within stipulated period of six

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months, as such, he is held ineligible for promotional post of Clerk-cum-Typist. It is further stated in the order that necessary action be initiated against the petitioner for failure to submit validity certificate.

5. Mr Vibhute, learned Counsel for the petitioner submitted that this Court protected the petitioners, who were similarly situated with the petitioner and though the petitioner and his employer are repeatedly requesting the Committee, the Committee failed to decide the claim and for such a failure, the petitioner cannot be held responsible. Then he submitted that the petitioner is also hopeful of the validation of the claim in view of the supporting material submitted to the Committee by him.

6. In view of the aforesaid facts, issue notice to respondents, returnable forthwith.

7. Learned Asstt. Govt. Pleader waives service of notice for all the respondents.

8. The petition is disposed of with directions to respondent No.2 - Committee to decide the claim of the petitioner, as early as possible and not later than twelve weeks from the date of the order of this Court. Respondent Nos.3, 4 and 5 are directed not to take any coercive steps against the petitioner insofar as the employment of the petitioner is concerned.

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9. We make it clear that respondent Nos.3, 4 and 5 are at liberty to consider the claim of the petitioner for promotional post independently without insisting for the validity certificate, on merits. We further make it clear that on decision of the Scrutiny Committee, respondent Nos.3 to 5 are at liberty to take further steps in the matter of employment of the petitioner.

With the aforesaid observations/directions, the petition is disposed of.

(S. M. GAVHANE, J.)

(PRASANNA B. VARALE, J.)

sjk