

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

WRIT PETITION NO.3067 OF 2019

Prakash Kanhaiya Damre
Age : 40 years, Occu.: Service,
R/o. Ghayal Nagar, Old Jalna,
Dist. Jalna.

... Petitioner

VERSUS

1. State of Maharashtra,
Through Secretary,
Home Department,
Mantralaya, Mumbai.

2. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad
Through its Member Secretary.

3. Commandant,
State Reserve Police Force,
Gat No.8, Mantha Road Jalna
Dist. Jalna

... Respondents

....

Mr. Sagar S. Pathale, Advocate for Petitioner;
Mr. K.N. Lokhande, AGP for Respondent Nos. 1 and 2.

....

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

DATED : 04th MARCH, 2019

PER COURT:-

1. Heard the learned counsel appearing for the petitioner.

2. As a limited grievance is raised in the petition, the petitioner is taken up for disposal at admission stage.

3. Notice to Respondent Nos. 1 and 2, returnable forthwith. Learned AGP waives service of notice on behalf of Respondent Nos. 1 and 2.

4. The facts, which are placed on record by way of the documents namely; the order of this Court dated 04.09.2009 show that the Petitioner had approached this Court challenging the order passed by the Court dated 29.11.2007. The Division Bench of this Court on finding that, the Committee without undertaking the exercise decide the claim of the petitioner on technical grounds, remitted the matter to the Committee for consideration on merit. The Division Bench directed the Committee to decide the tribe claim of the Petitioner on or before 31.08.2009. The Petitioner was directed to remain present before the Scrutiny Committee on 24.09.2009 along with the material, which the Petitioner was desires to rely on in support of his claim. The Petitioner is now faced with a notice issued by his employer. The Petitioner entered into the service of the State of Maharashtra as a 'Constable' in the State Reserve Police Force Gat No.3, Jalna. By notice dated 28.01.2019, the Petitioner is informed that failure to submit the caste validity certificate would result in termination of his service. Learned counsel Mr. Pathale

submits that in spite of the directions of the Division Bench to decide the claim on or before 31.08.2009, the Committee has not decided the claim and the Petitioner had approached the Committee with a representation dated 30.01.2019 apprising the Committee of the the notice issued to him on the backdrop of this representation. The learned counsel for the petitioner pray for direction to Committee to decide the tribe claim of the petitioner expeditiously, and protect the interest of the Petitioner, resultantly, the petition is disposed of with it.

5. Respondent No.2 is directed to decide the claim of the Petitioner within (4) weeks from the date of order of this Court. Respondent No.3 is directed not to take any coercive action till the decision of the Scrutiny Committee. We further make it clear that Respondent No.3 to take appropriate steps on decision of the Committee.

6. With these observations and directions, the writ petition is disposed of.

(S.M. GAVHANE)
JUDGE

(PRASANNA B. VARALE)
JUDGE