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

**WRIT PETITION NO.3388 OF 2019**

Surekha D/o Vitthal Salve  
@ Surekha W/o Suresh Sonawane,  
Age: 31 years, Occ: Agri.,  
R/o. Jamdi, Tq. Kannad,  
Dist. Aurangabad.

..PETITIONER

VERSUS

1. The State of Maharashtra,  
Through Principal Secretary,  
Rural Development Department,  
Mantralaya, Mumbai-32
2. Tahsildar, Kannad,  
Dist. Aurangabad
3. The Collector, Aurangabad  
Dist. Aurangabad
4. Scheduled Tribe Certificate  
Scrutiny Committee, Aurangabad  
Through its Member Secretary
5. Gramsevak,  
Village Panchayat, Jamdi (J)  
Tq. Kannad Dist. Aurangabad

..RESPONDENTS

**WITH  
WRIT PETITION NO.3405 OF 2019**

Sanjay Ambadas Wagh,  
Age: 38 years, Occ: Agri.,  
R/o. Jamdi, Tq. Kannad,  
Dist. Aurangabad.

..PETITIONER

VERSUS

1. The State of Maharashtra,

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Through Principal Secretary,  
Rural Development Department,  
Mantralaya, Mumbai-32

2. Tahsildar, Kannad,  
Dist. Aurangabad
3. The Collector, Aurangabad  
Dist. Aurangabad
4. Scheduled Tribe Certificate  
Scrutiny Committee, Aurangabad  
Through its Member Secretary
5. Gramsevak,  
Village Panchayat, Jamdi (J)  
Tq. Kannad Dist. Aurangabad

Mr Sagar S. Phatale, Advocate for petitioner;  
Mrs Vaishali N. Patil-Jadhav and Mrs Vaishali S.  
Choudhari, A.G.Ps. for respondent Nos. 1 to 4

**CORAM : PRASANNA B. VARALE**  
**AND**  
**NITIN W. SAMBRE, JJ.**

**DATE : 13th MARCH, 2019**

**ORAL ORDER :**

Heard learned Counsel appearing for the  
petitioners.

2. The petitioners were desirous of  
contesting the elections of Panchayat Samiti,  
Jamdi, Taluka Kannad, District Aurangabad, as such,

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submitted their tribe claims for verification and validation to the Scheduled Tribe Certificate Scrutiny Committee, Aurangabad. The claim for validation of petitioner - Surekha, and petitioner - Sanjay was received by the Committee on 21st September, 2017 and 20th September, 2017 respectively. The petitioners were declared as elected candidates in the elections.

3. Learned Counsel appearing for the petitioners submitted that in spite of extending all necessary co-operation to the Committee, the claim is pending before the Committee for compliance of the procedural formalities. Except co-operating the Committee for early decision, no other role can be played by the petitioners in the matter of early decision and it is prerogative of the Committee to decide the claim as per wish of the Committee. Further submission is, failure of Committee to decide the claim within reasonable period lead the petitioners to face consequences of unseating the petitioners from the posts to which they were elected.

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4. Learned Counsel also invited our attention to Ordinance issued by the State Government and copy of the same is placed on record at Exhibit-D. Learned Counsel, on these submissions, prays for directions to the Committee to decide the claim expeditiously and also seek protection.

5. Considering the nature of the grievance, the petitions are taken up for final disposal at admission stage.

6. Issue notice to the respondents, returnable forthwith. Learned A.G.P. waives service of notice for respondent Nos. 1 to 4 and notice of respondent No. 5 is dispensed with.

7. Though learned A.G.P. opposes the prayer for protection, we find considerable merit in the submission of the petitioner. It is not in dispute that the claims are accepted by the Committee some time in 2017 and the petitioners, except to co-operate the Committee, could not have play any other role for early decision. But for delay in

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decision, the petitioners may not be subjected to a serious prejudice, namely, unseating them from the elected post.

8. Accordingly, the petitions are disposed of, with directions to respondent No.4-Scrutiny Committee to decide the claim of the petitioners as early as possible and not later than twelve weeks from the date of receipt of the order of this Court. We further direct respondent No. 3 - Collector, Aurangabad not to take any coercive steps against the petitioners till the decision of the Committee. We further make it clear that on the decision of the Committee, respondent No.3 - Collector, Aurangabad is at liberty to take appropriate steps as provided under law.

9. With these directions, the petitions are disposed of.

( NITIN W. SAMBRE )  
JUDGE

(PRASANNA B. VARALE)  
JUDGE