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

WRIT PETITION NO.3972 OF 2019

Avinash s/o Mansaram Wade,
Age: 37 years, Occu: Service,
R/o Chandra Nagar Housing Society,
Plot No.27, N-9, HUDCO,
Aurangabad, Dist. Aurangabad

..PETITIONER

VERSUS

1. Scheduled Tribe Certificate Scrutiny
Committee, Aurangabad,
Through its Chairman/Member Secretary
2. Sub-Divisional Officer,
Aurangabad, Dist. Aurangabad
3. Marathwada Shikshan Prasarak Mandal,
Aurangabad, Dist. Aurangabad
Office at Devgiri College Compound,
Station Road, Aurangabad,
Through its President
4. The Principal,
Shivchhatrapati Junior College,
N-3, CIDCO, Aurangabad,
Dist. Aurangabad

..RESPONDENTS

Mr S. B. Gastgar, Advocate for petitioner;
Ms R. P. Gour, A.G.P. for respondent Nos.1 & 2

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

DATE : 8th April, 2019

ORAL ORDER:

Heard learned Counsel appearing on behalf of the petitioner.

(2)

2. Considering the grievance raised in the petition, we deem it appropriate to dispose of the petition at the admission stage with certain directions.

3. As we are issuing directions to respondent Nos.1 and 2, it may not be necessary for us to call upon respondent Nos.3 and 4 by issuing notice.

4. Issue notice to respondent Nos.1 and 2, returnable forthwith.

5. Learned Asstt. Govt. Pleader waives service of notice for respondent Nos.1 and 2.

6. In the tribe certificate is issued in favour of the petitioner by the Sub Divisional Officer, Aurangabad on 20th May, 2006, it is certified that the petitioner belongs to 'Mahadev Koli'. The petitioner was appointed in respondent No.4 – College, being run by respondent No.3 – Society on 6th August, 2018 as a candidate belonging to Scheduled Tribes community. A copy of the appointment order is placed on record at Exh.'B' which shows that the petitioner is directed to submit his tribe validity certificate within a period of six months as a prerequisite condition. The petitioner immediately submitted an application for verification of certificate but as there was an error in reference to the status of the caste of the petitioner, in view of the latest Government Resolution, petitioner approached the Sub Divisional Officer, Aurangabad with submitting an application on 20th February, 2019.

(3)

A copy of the application so submitted by way of an on-line process is also placed on record.

7. Mr Gastgar, learned Counsel for the petitioner invited our attention to the documents placed on record to submit that the petitioner is having a sufficient material in support of his claim that he belongs to candidate of 'Koli Mahadev' in the form of validity certificates issued in favour of his nearest relatives. He further submitted that the petitioner is ready to submit earlier tribe certificate to the Sub Divisional Officer for issuance of a fresh tribe certificate with corrected nomenclature and such statement is reflected in application submitted to the Sub Divisional Officer on 20th February, 2019. He then submitted that as the petitioner apprehends that non submission of the tribe certificate may put him to serious prejudice. In view of the condition in appointment order, he be protected by directing respondent Nos.3 and 4 not to take any coercive steps against the petitioner till the tribe claim for validity is decided by the competent Scrutiny Committee.

8. In view of above referred facts, the petition is disposed of with directions to respondent No.2 - Sub Divisional Officer, Aurangabad to pass appropriate orders on the application seeking fresh tribe certificate as expeditiously as possible and not later than six weeks from the date of order of this Court.

(4)

9. We permit the petitioner to apprise the Sub Divisional Officer by the judgment of this Court on the very issue. On receipt of tribe certificate issued by the Sub Divisional Officer, Aurangabad, the petitioner may submit the same to respondent No.1 – Scrutiny Committee for validation. The Scrutiny Committee, on receipt of tribe certificate of the petitioner for validation, to decide the claim of the petitioner for validity, as expeditiously as possible and not later than twelve months from the date of receipt of the tribe certificate for validation.

10. We also direct respondent Nos.3 and 4 not to take any coercive steps against the petitioner till the Scrutiny Committee decides the claim of the petitioner. We further make it clear that after the decision of the Committee, respondent Nos.3 and 4 are at liberty to take appropriate steps in view of the decision of the Scrutiny Committee.

Registry to issue authenticated copy of this order to learned Counsel for the petitioner as well as learned Asstt. Govt. Pleader.

(NITIN W. SAMBRE, J.)

(PRASANNA B. VARALE, J.)

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