

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

WRIT PETITION NO.68 OF 2019

SAYAREDDY POSHATTI GANGADHAROD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Shri A.N.Irpatgire
Addl.GP for Respondents: Smt. A.V.Gondhalekar

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CORAM : NARESH H. PATIL, C.J. & V.M. DESHPANDE, JJ.
Dated: March 25, 2019
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P. C. :-

1. The petitioner claims to be belonging to Koli Mahadev, a Scheduled Tribe. He submits that he was elected as a Councilor of respondent No.5 - Municipal Council in the year 2016. The petitioner had applied for validation of his tribe claim before the appropriate Committee.

2. The learned counsel submits that the Committee had rejected the validity claim of the petitioner. The petitioner had, therefore, approached this Court by way of Writ Petition No. 1846 of 2017. The learned Division Bench of this Court, by an order dated 9.2.2017, has disposed off the said petition with certain directions. Paragraph Nos. 4(g) and (h) of the operative portion of the said order reads as under:-

“(g) The Scrutiny Committee shall accept the proposals directly and shall not refuse to accept the proposals on the ground that they have not been routed through proper channel, either employer or educational institutions.

(h) The education institutions / colleges or the employer shall not take any adverse action against the petitioner only on the ground of his failure to produce validity certificate and further appropriate action can be taken only subject to result of verification claim, which would be lodged before the Scrutiny Committee, in accordance with the directions issued in this judgment.”

3. The learned counsel for the petitioner submits that a fresh proposal has been submitted to the Validity Committee. As the petitioner is elected candidate, the learned counsel further submits, that the time bound disposal of the claim would be necessary, otherwise, the petitioner may face adverse consequences.

4. Heard learned Government Pleader for the respondents and perused the record placed before us.

5. In the facts of the case, we direct the respondent / Committee to decide the tribe claim of the petitioner as expeditiously as possible and preferably within four months from the date of receipt of the

copy of this order. The petitioner undertakes to cooperate with the Committee in early disposal of his tribe claim.

6. We clarify that we have not expressed any opinion on the merits of the tribe claim of the petitioner.

7. With the aforesaid directions, Writ Petition stands disposed off.

(V.M. DESHPANDE, J.)

(CHIEF JUSTICE)

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