

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE SIDE**

WRIT PETITION st. NO.12020 OF 2019

Sadhana Vilas Thakur @
Sadhana Yuvraj Mahale

... Petitioner

Vs

State of Maharashtra & Ors.

... Respondents

Mr.R.K. Mendadkar for the Petitioner
Mr.B.V. Samant, AGP, for Respondent – State
Mr.Ajay S. Sathe, Law Officer, Nandurbar – present
Mr.Nilesh B. Ahire, Senior Research Officer – present

**CORAM: S.C. DHARMADHIKARI &
R.I. CHAGLA, JJ.**

DATED: DECEMBER 2, 2019

P.C.:

1. When this matter was placed before us in the morning session and thereafter post-recess, we enquired as to why the Scheduled Tribe Certificate Scrutiny Committee, Nandurbar is handicapped, periodically.
2. We were informed that the Caste/Tribe Validity Certificate could not be produced by the petitioner as the Nandurbar committee has failed to verify and scrutinise his claim. The

employer, therefore, says that in the absence of this certificate, the petitioner's appointment against the reserved seat cannot be continued or if it continues, she will not be able to draw the payscales and other benefits.

3. The Scrutiny Committee informed us that the Vice Chairman appointed on the committee was transferred or demitted the office otherwise. Hence, a person all the way from Thane Committee comes to Nandurbar and goes back. He comes only once a week. This Nandurbar committee meets only on every Thursday, in the week. It cannot meet otherwise simply because this person has to go back to Thane and resume his substantive work.

4. These are very unsatisfactory state of affairs and periodically, this Committee at Nandurbar had to be made functional by judicial intervention. It is this Court which ensured that it has staff and personnel, infrastructure and other basic amenities and facilities. Once again, if the problem of lack of all this crops up, the affected parties and losers are students and employees and those who are elected to elective offices as representatives of people.

5. In the circumstances, we had called upon Mr.Samant, AGP and Mrs.Salunkhe, AGP, to take instructions as to when this committee will have a full time Vice Chairman. On instructions, Mr.Samant states that within 15 days, a full time Vice Chairman will be appointed at the Respondent No.2 committee and thereafter, within four weeks, the claim of the petitioner will be verified and scrutinised in accordance with law. The claim is pending from 20.7.2013 and hence, our anxiety.

6. In the light of this statement made by Mr.Samant and Mrs.Salunkhe, which are accepted as undertakings to this Court, the Writ Petition is disposed of by granting time to the committee till 15.1.2020 to dispose of the petitioner's claim. The petitioner's employment shall not be disturbed nor terminated only because she has failed to produce the Tribe Eligibility Certificate.

(R.I. CHAGLA, J.)

(S.C. DHARMADHIKARI, J.)