

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13039 OF 2019

Amol Dilip Suryawansi.

...Petitioner.

Versus

State of Maharashtra & Others.

..Respondents.

Mr. T. V. Jadhav i/b R. K. Mendadkar for the Petitioner

Mr. R. S. Pawar, AGP for the Respondent-State.

Coram : RANJIT MORE &
SURENDRA P. TAVADE, JJ.

Date : **December 20, 2019.**

P. C. :

1. Heard. On 23rd August 2004, the Petitioner was granted certificate by the competent authority as belonging to scheduled tribe - "Thakur". On the basis of the said certificate, he came to be appointed to the post of police constable in the office of Respondent No.3 with effect from **24th January 2007** and thereafter on 3rd December 2019, he was promoted to the post of police-naik. As the Petitioner was appointed from the reserved category, Respondent No.3 forwarded the tribe/caste claim of the Petitioner for verification to the Scheduled Tribe Certificate Scrutiny Committee, Nashik. Upon formation of new district of Nandurbar, the said Nashik Committee transferred the caste/tribe verification claim of the Petitioner to the Scheduled

Tribe Certificate Scrutiny Committee, Nadurbar – Respondent No. 2 herein.

2. The short grievance of the Petitioner is that his caste / tribe verification claim is not being adjudicated by Respondent No.2 since 2006 and in the meantime he has received a notice dated 3rd December 2019 from Respondent No.3, requiring him to produce the tribe validity certificate, failing which promotion benefit would be withdrawn.

3. We find that the Petitioner is not at fault and he cannot be blamed for his failure to submit / produce the tribe validity certificate in the office of Respondent No.3, inasmuch as his said tribe validity claim is not adjudicated by Respondent No. 2 since 2006.

4. In above circumstances, we deem it convenient to dispose of this petition by directing Respondent No.2 – Committee to decide the Petitioner's tribe validity claim as expeditiously as possible and in any case within the period of four months from the date of receipt of a copy of this order. **Ordered accordingly.**

5. It is made clear that this Court has not gone into merits of the matter and all points and contentions of the

respective parties are kept open.

6. Till the decision on Petitioner's caste / tribe validity claim by Respondent No.2, no coercive action shall be taken against the Petitioner on the basis of notice impugned in this writ petition, i.e., notice dated 3rd December 2019 issued by Respondent No. 3.

[SURENDRA P TAVADE, J.]

[RANJIT MORE, J.]