

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.4970 OF 2018

SADHANA SAMADHAN GAWALI  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

Mr.P.V.Jadhavar, Advocate for the petitioner.  
Mr.P.S.Patil, AGP for respondent Nos. 1 to 4.

( CORAM : DIPANKAR DATTA, CJ AND  
RAVINDRA V. GHUGE, J.)

DATE : JUNE 16, 2021

PER COURT :

1. By this petition, the petitioner has put forth prayer clauses  
“B”, “C” and “D” as under :-

"B. By way of an appropriate writ, order or direction in the like nature thereby directing that, the respondent No.2 Scrutiny Committee may kindly be to decide the tribe claim of the petitioner as early as possible or issue the validity certificate in favour of petitioner as belongs to Koli Mahadev Scheduled Tribe.

C. By issuing appropriate writ, order or direction in like nature, may kindly issue direction against the respondents/employer not to take any adverse action against the petitioner only on the ground that, non submission of validity certificate and release the salary since from June, 2017.

D. Pending hearing and final disposal of this writ petition, may kindly issue direction against the respondents/employer not to take any adverse action against the petitioner only on the ground that, non submission of validity certificate and release the salary since from June, 2017."

2. The petitioner has approached this Court with the grievance that her caste validity claim is pending with the competent committee/respondent no.2. Ad-interim protection was granted by the learned Vacation Judge on 25/05/2018, in terms of prayer clause "B". Having perused prayer clauses "B" and "D", we are inclined to believe that ad-interim relief must have been granted in terms of prayer clause "D" but due to a typographical mistake in paragraph no.5 of the order dated 25/05/2018, "B" has been printed. The parties agree that the said ad-interim relief should be read as in terms of prayer clause "D".

3. The learned AGP submits that as the pendency of the validity claims before the competent committee is quite high and the vigilance report in the present case is awaited, the petitioner's claim has not been finally decided. He also submits that the process for acquiring the vigilance report can be expedited and with the

cooperation of the petitioner, the competent caste committee would be in a position to complete the entire process of considering the caste claim of the petitioner within a period of 6 months.

4. The learned advocate for the petitioner submits, on instructions, that in view of the ad-interim protection granted to her by this Court, no adverse action has been taken and she is now being paid her salary on regular basis. She also undertakes to extend her co-operation to the respondent no.2 for completing the entire exercise of a decision on the validation of her caste claim within 6 months.

5. In view of the above, this petition is disposed of with a direction to the respondent no.2 to complete the entire process of considering the claim of the petitioner for validation of her caste as "Koli Mahadev" Scheduled Tribe, as expeditiously as possible and in any case by the end of January, 2022. The petitioner shall extend her co-operation to the said committee. The ad-interim protection granted, shall continue till the claim of the petitioner is finally decided and the decision is communicated to her.

6. No opinion is expressed on the merits of the petitioner's claim

- 4 -

and all contentions are kept open.

( RAVINDRA V. GHUGE, J. )

( CHIEF JUSTICE )