

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

942 WRIT PETITION NO.7568 OF 2020

**BHARAT NAGPPA MAMDE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

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Advocate for Petitioner : Mr. Vibhute Sunil M.
AGP for Respondent Nos.1 & 2-State : Mr. S. B. Yawalkar.
Advocate for Respondent No.3 : Mr. Dhongade Anilkumar B.

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**CORAM : RAVINDRA V. GHUGE, AND
S. G. MEHARE, JJ.**

DATE : 07.07.2021

PER COURT :-

1. By the first order passed by this Court dated 04.11.2020, this Court did not grant any relief to the petitioner in so far as the invalidation of his tribe claim by the impugned order dated 16.10.2020. However, as the petitioner was 57 years of age and had only one year left for retirement, this court protected him against an adverse action likely to be initiated by the employer, only on the ground that his tribe claim was invalidated. Today, the learned advocates for the petitioner as well as respondent No.3, jointly submit that the petitioner has now superannuated in the month of March 2021.

2. During the course of the hearing in this matter, the learned AGP pointed out internal page No.14 of the impugned order to indicate four (4) names, namely, Rahul Dashrath Mamde, Ambika Dashrath Mamde, Avinash Dashrath Mamde and Hanmant Tejerao Mamde, who are cousin brothers and sister of the petitioner and who had obtained tribe validity certificates on the dates mentioned in the said chart. He then draws our attention to internal page No.20, first paragraph of the impugned order, wherein it was recorded by the competent committee that the proceedings, in which, validity certificates were granted to these three cousin brothers and one sister, have been re-opened for scrutiny by way of a re-consideration. Therefore, the petitioner's tribe claim was invalidated. Based on these details, the learned AGP submits that the petitioner's case can be relegated to the competent committee so as to be re-considered along with these four persons. A decision would then be taken by the committee after re-considering the claims of the said four persons.

3. The learned advocate for the petitioner submits that he would not have any objection in accepting the statement made

by the learned AGP, on instructions, from the competent committee, respondent No.2, herein.

4. In view of the above, this petition is disposed off.

5. As respondent No.2 is inclined to re-consider the case of the petitioner namely Bharat Nagppa Mamde along with the cases of the four persons, whose names are mentioned herein above, respondent No.2 shall follow the due procedure laid down in law for issuing notice to the petitioner, so as to commence a re-hearing in his claim for seeking validity for his “*Koli Mahadev*” scheduled tribe. Needless to state, the impugned order dated 16.10.2020 becomes inoperative and stands set aside only to the extent of the petitioner.

(S. G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)

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vmk/-