

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

**BENCH AT AURANGABAD**

**23 WRIT PETITION NO.8117 OF 2016**

SANDIP KISHOR THAKUR  
VERSUS  
STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. M. S. Deshpande h/f Golegaonkar  
Madhur A. And A S Golegaonkar  
AGP for Respondents/State: Mrs. M. A. Deshpande  
Advocate for Respondent Nos.3 to 5: Mr. A. R. Salve

...

**CORAM : UJJAL BHUYAN &  
M. G. SEWLIKAR, JJ.**

**DATE : 15<sup>th</sup> March, 2021**

**P.C. :**

. Heard learned counsel for the parties.

2. By filing this petition under Article 226 of the Constitution of India, petitioner seeks a direction to respondent No.2 to take a decision on the scheduled tribe status claim of the petitioner which is stated to be pending since 21.10.2003 within a stipulated period. Further prayer made is for quashing the reminder letter dated 23.06.2016 issued by respondent No.4 to the petitioner to submit caste validity certificate within seven days.

3. This Court, by order dated 28.07.2016, had issued notice and as an interim measure had directed that no coercive action should be taken against the petitioner on account of his failure to submit scheduled tribe validation certificate.

4. Case of the petitioner is that petitioner belongs to the Thakur Community which is recognized as a 'Scheduled Tribe' in the State of Maharashtra. Sub-Divisional Officer, Shirpur had issued caste/tribe certificate in favour of the petitioner on 22.01.2001. While he was undergoing education in the S.S.V.P.S. College, Shinkheda, Principal of said Institution referred the caste claim of the petitioner to respondent No.2 on 21.10.2003.

5. On completion of his education, petitioner applied for the post of Upkendra Sahayaak under the Maharashtra State Electricity Distribution Company Limited pursuant to the Advertisement No.1/2014. Following a due selection process, petitioner was selected under the scheduled tribe reserve category whereafter appointment order dated 10.07.2014 was issued by respondent No.3. On such appointment, petitioner has been posted in the Airoli Sub-Division where he is presently serving.

6. Since petitioner was appointed against the scheduled tribe reserve category, he was required to submit scheduled tribe

validation certificate within six months of joining. Therefore, he was required to submit such certificate by January, 2015.

7. Grievance of the petitioner is that respondent No.2 did not take any decision on the claim of the petitioner.

8. In the meanwhile, respondent No.4 continued to put pressure on the petitioner to submit scheduled tribe validation certificate including by issuing impugned reminder letter dated 23.06.2016.

9. Aggrieved, present writ petition has been filed seeking the reliefs as indicated above.

10. Despite notice, no reply affidavit has been filed by the respondents though five years have elapsed in the meanwhile.

11. Considering the limited grievance expressed by the petitioner, we are of the view that it would meet the ends of justice if respondent No.2 is directed to take a decision on the claim of the petitioner stated to be pending before it since 21.10.2003 as more than 17 years have lapsed since then. It goes without saying that scrutiny of caste or tribe certificate is required to be carried out expeditiously and it cannot be kept pending for year together.

12. Accordingly, we direct respondent No.2 to take a decision on the scheduled tribe status claim of the petitioner in accordance with law after giving due opportunity of hearing to the petitioner within a period of three months from the date of receipt of a copy of this order. Such decision shall be in the form of a speaking order which shall be duly communicated to the petitioner. Till such decision is taken, restraint order passed by this Court on 28.07.2016 shall continue.

13. Writ petition is accordingly allowed to the extent indicated above. However, there shall be no order as to costs.

**(M. G. SEWLIKAR, J.)**

**(UJJAL BHUYAN, J.)**