

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.9574 OF 2012

ANANDA SUKHDEV SHIRSATH AND OTHERS
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

None for the Petitioners.

AGP for Respondent 1 : Shri P.G. Borade

Advocate for Respondent 3 : Shri Manoj Shinde h/f Shri M.K.
Goyanka

...

CORAM : RAVINDRA V. GHUGE
&
S.G. MEHARE, JJ.

DATE :- 16th September, 2021

Per Court :-

1. Though there are two learned advocates appearing on behalf of the petitioners, none are present.

2. The petitioners have put forth prayer clauses B and

C as under :-

“B) *By a writ of certiorari or any other appropriate writ, order or directions in the like nature, the impugned notice dated 13.09.2012 issued by the respondent No.3 annexed at Exhibit A may kindly be quashed and set aside.*

C) *By a writ of mandamus or any other appropriate writ, order or directions in the like nature, the respondent No.2- the Scheduled Tribe Caste Certificate Scrutiny Committee, Nandurbar Region, Nandurbar be directed to decide the tribe claims of*

the petitioners as expeditiously as possible and preferably within a period of six months and Respondent No.3 be directed not to take any adverse action against the petitioners till their tribe claims are decided by the Scrutiny Committee.”

3. There is no dispute that the petitioners were selected and appointed as Drivers in 1999 on the posts that were reserved for the Scheduled Tribe category. By the impugned notice dated 13.09.2012, the petitioners were granted an ultimatum to tender their tribe validity certificates or face disciplinary action. By the first order passed by this Court on 30.11.2012 while issuing notice, the petitioners were protected with the direction that their employer would not initiate any adverse action against them as contemplated through the impugned notice, for non production of the tribe validity certificates. In view of this protection, the petitioners have continued in employment.

4. In view of the above, we find that no purpose would be served in keeping this petition pending when respondent No.2/ Committee could be directed to decide the claims of the petitioners within a time frame, if not already decided.

5. In view of the above, this Writ Petition is disposed off with the following directions :-

(a) Respondent No.2/ Committee shall decide the tribe claims of the petitioners as expeditiously as possible and in any case, on or before 30.04.2022.

(b) Respondent No.2/ Committee shall not seek extension of time, save and except for the reason of non cooperation by the petitioners.

(c) Interim protection granted by this Court would continue till 30.04.2022 or till the tribe claims are decided, whichever is earlier.

(d) We expect the petitioners to render fullest cooperation to respondent No.2 for the decision on their claims in the light of the above.

kps (S.G. MEHARE, J.)

(RAVINDRA V. GHUGE, J.)