

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

10 WRIT PETITION NO.4374 OF 2022

ROHIDAS CHINTAMAN DEVRAJ
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. M. L. Paithane h/f Mr. M. A. Golegaonkar
AGP for Respondent Nos.1 and 5 : Mr. A. R. Kale
Advocate for Respondent Nos.2 to 4 : Mr. S. R. Dheple
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**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 10th August, 2022

PER COURT :

1. Leave to add the Sub-Divisional Officer, Amalner, District Jalgaon, as respondent No.6. Addition be carried out forthwith.
2. Issue notice to the added respondent. The learned AGP waives service of notice on behalf of respondent Nos.1 and 5.
3. We grant leave to the petitioner to add prayer Clause 'B-1' for assailing the order dated 18/07/2022. Addition of prayer Clause be done forthwith.
4. The petitioner's claim seeking validation of his Tribe Certificate 'Tokre Koli' (28) Scheduled Tribe, is pending since 02/08/2013. By an

order dated 18/07/2022, the Committee informs the petitioner, after nine years, that his Tribe Certificate is not in format 'C'. The said certificate is cancelled. The proceedings are disposed off. The petitioner is directed to fetch a new certificate in Format 'C' and again restart the validation proceeding which he had started on 02/08/2013. The conduct of the Committee cannot be countenanced. We record our serious displeasure in view of the order dated 18/07/2022 that has been passed during the pendency of this petition.

5. In view of the above, this petition is partly allowed. The impugned order dated 18/07/2022 is set aside only to the extent that the entire proceedings of the petitioner have been disposed off. We direct revival of the said proceedings with the following directions :-

(i) The petitioner would tender an Online form for acquiring the 'Tokre Koli Scheduled Tribe (28) Format 'C' Certificate', on 17/08/2022.

(ii) Added respondent No.6 shall issue a fresh 'Tokre Koli Scheduled Tribe (28) Certificate' in Format 'C', to the petitioner, which would be delivered to him at 04.30 p.m. on 19/08/2022. The petitioner himself would collect the said certificate from the office of respondent No.6.

(iii) The petitioner would submit the said certificate to respondent No.5 – Committee on 22/08/2022 at 12.00 noon.

(iv) The Committee shall resume the proceedings on the basis of the said certificate at the stage at which it was earlier disposed off vide impugned order dated 18/07/2022.

(v) The Committee would complete the proceedings and deliver an order on or before 30/11/2022.

6. The learned Advocate for the management informs on instructions, after taking a pass over, that after this Court granted ad-interim relief to the petitioner on 04/05/2022 and the order dated 20/01/2022, by which he was sought to be converted to the status of 'Badli Worker,' has not been implemented. As such, the petitioner would continue to work on the post of conductor as per the pay scale applicable which will be subject to the result of the validation proceedings.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.