

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

WRIT PETITION NO. 4034 OF 2022

Bharatbai Kerba Markhelwad
Age : 50 years, Occu. Housewife,
R/o. Loni, Ta. Degloor,
Dist. Nanded.

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary
General Administration Department,
Mantralaya, Mumbai-32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director ®
3. District Collector, Nanded,
Tq. & Dist. Nanded

.. Respondents

Mr. Avinash Suryawanshi, Advocate for the Petitioner.
Mr. S. P. Tiwari, AGP for Respondents-State.

**CORAM : R. D. DHANUKA &
S. G. MEHARE, JJ.**

DATED : 25th APRIL 2022.

ORAL JUDGMENT (PER R. D. DHANUKA, J.) :-

. Rule. The learned A.G.P. waives service for the respondents. Rule made returnable forthwith.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus, order or direction against

the respondent No. 2 to decide the tribe claim of the petitioner filed on 26.12.2020.

3. The learned A.G.P on instructions states that the petitioner has not filed online application for validation of tribe claim.

4. The learned counsel for the petitioner on the other hand submits that he has filed online application and he will produce the copy of the said online application before the respondent No. 2 – committee within a period of one week from today.

5. The learned A.G.P on instructions states that the tribe claim of the petitioner will be decided within six months from today. Statement is accepted.

6. The petitioner is directed to remain present before the respondent No. 2 - committee on 02.05.2022 at 11.00 a.m. The tribe claim of the petitioner shall be decided within six months from the date of appearance of the petitioner before the respondent No. 2 – committee. The order that would be passed by the respondent No. 2 shall be communicated to the petitioner within one week from the date of passing of order.

7. During the pendency of the tribe claim of the petitioner, the

respondents shall not take any coercive steps against the petitioner for not producing the tribe validity certificate and for a period of three weeks from the date of communication of the order if the same is adverse against the petitioner.

8. If the tribe claim of the petitioner is allowed, the tribe validity certificate shall be issued in favour of the petitioner within one week from the date of passing of such order.

9. It is made clear that, this Court has not expressed any views on the merits of the matter. All contentions of the parties are kept open.

10. Writ petition is allowed in above terms. Rule is made absolute accordingly. No order as to costs.

11. Parties to act upon the authenticate copy of this order.

(S. G. MEHARE)
JUDGE

(R. D. DHANUKA)
JUDGE

P.S.B.