

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

WRIT PETITION NO.4706 OF 2022

Vithabai D/o Yadavrao Bapune,
Age : 27 years, Occu. Household,
R/o Kalambar, Tq. Mukhed,
District Nanded.

... **Petitioner**

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32.
2. The Schedule Tribe Certificate,
Verification Committee, Kinwat,
At Aurangabad
Through its Deputy Director (R),
Tq. and District Aurangabad.
3. The Collector,
Nanded, Tq. and District Nanded.

... **Respondents**

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Adv. for Petitioner : Mr. G. K. Chinchole h/f Mr. Vibhute S. M.
AGP for Respondents-State : Mr. A. R. Kale.
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**CORAM : R. D. DHANUKA, AND
S. G. MEHARE, JJ.**

DATE : 26.04.2022

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

1. Papers are allowed to be produced on production board
at 2.30 p.m. in view of the urgency.

2. Rule. Mr. Kale, learned A.G.P waives service of notice for all the respondents-State. Rule is made returnable forthwith and heard finally by consent of the parties.

3. The caste claim of the petitioner is pending before respondent No.2-Committee. In the meanwhile, respondent No.3 has issued a show cause notice on 29.03.2022 calling upon the petitioner to produce the caste validity certificate today by 4.00 p.m. The petitioner apprehends a coercive action on the part of respondent No.3 for not producing the caste validity certificate though the tribe claim of the petitioner is still pending before respondent No.2-Committee.

4. Respondent No.2 is accordingly directed to decide the tribe claim of the petitioner within six (6) months from today. The petitioner is directed to appear before Respondent No.2-Committee on 06.05.2022 at 11.00 a.m. without fail and shall not seek any unnecessary adjournment.

5. The order that would be passed by respondent No.2-Committee shall be communicated to the petitioner within one (1) week from the date of passing such order. If the tribe claim

of the petitioner is accepted, tribe validity certificate shall be issued in favour of the petitioner within one (1) week from the date of passing such order.

6. It is not in dispute that the petitioner has not produced the tribe validity certificate within one (1) year from the date of petitioner's having elected. We are thus not inclined to grant any stay to show cause notice issued by respondent No.3.

7. Writ Petition is disposed off in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

8. Parties to act upon authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-