

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

931 WRIT PETITION NO.6441 OF 2021

**SAGAR GOPICHAND JADHAV
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioners : Mr. Shinde Balaji S.
AGP for Respondent Nos. 1 to 3 : Mrs. M.A. Deshpande

**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**
DATE : 26.07.2022.

PER COURT :

We have heard both the sides.

2. The petitioner was appointed as a Police Patil on his claim of being belonging to Takari Koli scheduled tribe. He has been served with a show cause notice, which is under challenge in this petition, calling upon him to furnish the validity certificate within stipulated time. By the order dated 08.06.2021 interim relief was granted to the petitioner saving him from any adverse action pursuant to the notice under challenge. However, it was also informed that though the proposal of the petitioner was pending with the respondent No. 3/committee the papers were not traceable.

3. The stalemate still continues.

4. In the peculiar fact situation, it would be appropriate to direct the committee to take help of the petitioner to reconstruct the paper/file and to decide it expeditiously in time bound manner. However, simultaneously, the petitioner cannot be deprived of the protection at the same time by taking necessary precaution that he does not derive any disadvantage.

5. The Writ Petition is disposed of with following directions :

(a) The petitioner shall approach the respondent No. 3 committee and help the committee in reconstructing his file which shall be completed within four weeks from today.

(b) The committee shall thereafter conduct the hearing and take a decision on his proposal within six months thereafter. Till then the interim protection shall continue.

(c) Leave is granted to him to renew the request if the committee does not take decision within the stipulated time.

(d) The interim relief shall stand vacated automatically if the petitioner fails to get the file reconstructed within four weeks.

(e) The petitioner shall be paid the honorarium so long as the interim relief continues.

(SANDEEP V. MARNE J.)

(MANGESH S. PATIL, J.)

mkd/-