

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

WRIT PETITION NO.7502 OF 2021

Kautikrao S/o Motiram Sapkal,
Age 66 years, Occu. Retired,
R/o Jalgaon (Sakpal), Post Jalgaon,
Tq. Bhokardan, District Jalna. **... Petitioner**

Versus

1. The Scheduled Tribe Certificate,
Scrutiny Committee,
Aurangabad Division, Aurangabad.
2. Zillha Parishad Jalana,
District - Jalana,
Through its Chief Executive Officer. **... Respondents**

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Advocate for Petitioner : Mr. N. D. Jaiswal.
AGP for Respondent/s-State : Mr. S. S. Patil
Advocate for Respondent No.2 : Mr. P. P. Dama.

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

DATE : 10.03.2022

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

1. Rule. Learned AGP waives service of notice for respondent No.1-State Authority. Learned counsel waives service of notice for the respondent No.2. Rule is made returnable forthwith and heard finally by the consent of the parties.

2. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks a writ of Mandamus against respondent No.1-Committee to decide the Tribe Claim of the petitioner submitted in the month of April-2011, expeditiously.

3. In view of the pendency of the caste claim before the Scrutiny Committee, the petitioner is not getting regular pension from respondent No.2 but getting only provisional pension.

4. Learned counsel for the petitioner states that the said application for Caste Validity Certificate is still pending before respondent No.1-Committee. Statement is accepted. Respondent No.1 is directed to decide the said Tribe Claim of the petitioner as belonging to "Koli Malhar" Scheduled Tribe submitted in the month April-2011, within three (3) months from the date of communication of this order. The petitioner shall not seek any adjournment from respondent No.1-Committee.

5. Respondent No.1 shall communicate the order that would be passed by respondent No.1 to the petitioner within

one (1) week from the date of passing of the present order. This Court has not expressed any view on the merits of the application filed by the petitioner for Caste Validity Certificate.

6. If the order is in favour of the petitioner, respondent No.1 shall issue Caste Validity Certificate within one (1) week from the date of passing order. If the order is adverse against the petitioner, the petitioner would be at liberty to file appropriate proceeding.

7. Till such time, the order is passed by respondent No.1 and is communicated and if order is adverse against the petitioner, respondent No.2 shall not take any coercive steps against the petitioner and shall continue to pay provisional pension for a period of four (4) weeks, thereafter.

8. Writ petition is allowed in the aforesaid terms. Rule is made absolute.

9. Parties to act on the authenticated copy of this order.

(S. G. MEHARE, J.)

(R. D. DHANUKA, J.)

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vmk/-