

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

41 WRIT PETITION NO.6959 OF 2022

SHIVAJI LAXMAN MARKWAD
VERSUS
STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. Phatale Sagar S.
AGP for Respondents-State : Mr. P. S. Patil
...

**CORAM : RAVINDRA V. GHUGE
AND
ARUN R. PEDNEKER, JJ.**

DATE : 25th July, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'A', 'B' and 'C' as under :-

(A) Issue Writ of Mandamus or any other appropriate Writ or order in the like nature thereby direct the Respondent No.2-Scrutiny Committee to decide the pending tribe claim of petitioner expeditiously.

(B) Issue Writ of Mandamus or other appropriate Writ or Order in the like nature, thereby quash and set aside impugned Notice issued by Respondent No.3 thereby directed the petitioner to submit certificate of validity within 1 Month.

(C) The Respondent No.3 to 5 or anybody on their behalf be

restrain from taking any coercive action against the petitioner solely on the basis of non submission of certificate of validity, pending hearing and final disposal of the instant petition.

2. The claim of the petitioner of belonging to 'Munnervarlu' Scheduled Tribe is pending validation from 12/09/2019. The Vigilance Committee report is yet to be delivered. He has received a notice from the employer /respondent No.5 directing him to furnish the validity certificate, within one (1) month from the date of the notice, which is 13/05/2020. He submits that, he is still in employment.

3. The learned AGP submits on instructions that the committee can decide the claim within six (6) months.

4. In view of the above, this petition is disposed off with the following directions :-

(A) The vigilance committee report would be placed before the committee on or before 30/09/2022.

(B) Copy of the vigilance committee report shall be served upon the petitioner within 15 days thereafter.

(C) The petitioner shall appear before the competent Kinwat

Committee at Aurangabad on 20/10/2022 and submit his written explanation/ submission.

(D) The committee shall deliver it's order by 30/11/2022.

5. In view of the above, the service of the petitioner would be protected till the decision of the committee on 30/11/2022 and in the event of an adverse decision, the protection would be continued till 15/12/2022.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.