

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

901 WRIT PETITION NO.8270 OF 2022

**AARTI CHANDRAKANT MOKAL ALIAS AARTI JAYESH KHALASI
VERSUS**

**THE STATE OF MAHARASHTRA
THROUGH ITS SECRETARY AND OTHERS**

...

Advocate for Petitioner: Mr. S. R. Barlinge

AGP for Respondent/State: Mr. S. K. Tambe

...

CORAM: RAVINDRA V. GHUGE

AND

ARUN R. PEDNEKER, JJ.

DATE: 21st SEPTEMBER, 2022

PER COURT:

1. Leave to add the Dhule committee as Respondent No.4. Addition be carried out forthwith.

2. The Petitioner has put-forth prayer clauses 'A' and 'B', as under:-

A) By a writ of mandamus, the respondent No.2 Scrutiny Committee may kindly be directed to decide the tribe claim of the petitioner on the basis of the letter issued by the Dean – respondent No.3 in 2013.

B) Pending hearing and final disposal of this Writ Petition, the respondent No.3, his agents, servants or any other person/s acting on his behalf may kindly be restrained from taking any adverse action against the petitioner on the ground of non-submission of the validity certificate as belonging to Mannewar Scheduled Tribe."

3. The Petitioner claims to be belonging to the Mannewar, Scheduled Tribe and has a tribe certificate issued by the Competent Authority. Earlier, she has received the tribe certificate from Sub-Divisional Officer, Akola. Since her residence is in Jalgaon district, the said certificate would be of no utility and, hence, she was advised to acquire a certificate from the Sub-Divisional Officer, Bhusawal. Same has been obtained.

4. The Petitioner has been appointed as a staff nurse vide appointment order dated 23.08.2001. Since then, she is in employment and has been granted the status of permanency. On

account of non submission of the validity certificate, she is likely to lose her employment.

5. The learned Advocate for the Petitioner submits that the Petitioner has, as yet, not received any notice from the Scrutiny Committee, since the Nandurbar Committee would not have the competency to entertain the proposal of the Petitioner. He further submits that, in view of the amended Rules, the Petitioner herself can tender her proposal for validation to the competent scrutiny committee which is situated at Dhule. Within 15 days, the Petitioner would tender her tribe certificate alongwith a proposal, for validation. It is prayed that until the claim is adjudicated upon, the Petitioner's service may be protected.

6. The learned AGP representing the Respondents submits that the committee would endeavour to decide the proposal of the Petitioner within six (06) months, after receiving the same.

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

A] The Petitioner shall ensure that her proposal is tendered to the Dhule committee, Respondent No.4 herein, on or before 15.10.2022.

B] Respondent No.4 committee shall decide the claim of the Petitioner as expeditiously as possible and preferably, on or before 30.04.2023.

C] The Petitioner would render cooperation to the committee and would not seek adjournments on unreasonable or trivial grounds.

D] Respondent No.3, shall not dispense with the service of the Petitioner only on the ground that she does not have a validity certificate, until 15.05.2023, since the claim is likely to be decided on or before 30.04.2023.

[ARUN R. PEDNEKER, J.]

[RAVINDRA V. GHUGE, J.]

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