

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO.8213 OF 2022

SAROJ NARAYAN KOLI
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY AND OTHERS

...
Advocate for Petitioner : Mr. R. N. Chavan
AGP for Respondents-State : Mr. A. R. Kale
Advocate for Respondent Nos.2 and 3 : Mr. Maheshkumar Sonawane
...

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

DATE : 20th August, 2022

PER COURT :

1. The petitioner has put forth prayer Clauses 'B' and 'C' as under :-
(B) By writ of certiorari or any other writ, order or directions in like nature, the impugned order dated 29.06.2022 passed by the Chief Executive Officer, Zilla Parishad, Jalgaon i.e. Respondent No.2 may kindly be quashed and set aside.
(C) Pending hearing and final disposal of the Writ Petition, the respondent No.2 or any other person acting on his behalf may kindly be restrained from taking any adverse action against the petitioner on account of non submitting of Caste Validity Certificate.

2. The petitioner has joined employment as an 'Attendant' with the Zilla Parishad on 15/09/2012. His first 'Malhar Koli' certificate was found to be defective and the same was seized after his proposal for validity was tendered to the Competent Committee. He was then issued with a new certificate as 'Koli Malhar'. That was issued by the Sub-Divisional Officer, Bhusawal, the birth place of the petitioner, who was held to be not legally competent to issue such a certificate. The said certificate was also cancelled and confiscated. Now he has applied to the Sub-Divisional Officer, Chalisgaon, for issuance of the 'Koli Malhar' certificate. The said application is pending scrutiny and decision. In the meanwhile, the employer issued a notice on 29/06/2022, directing the petitioner to produce the validity certificate within one month. She has not been able to produce the validity certificate as, today, she does not have a valid Scheduled Tribe Certificate.

3. The learned AGP submits that subject to an appropriate scrutiny in the matter, the application of the petitioner for issuance of a Tribe Certificate would be decided on or before 30/11/2022.

4. The learned Advocate representing the employer Zilla

Parishad, respondent Nos.2, 3 and 4, submits on instructions that for almost ten years, the petitioner has continued in employment without submitting a validity certificate.

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

(a) The competent authority would decide the proposal of the petitioner, on or before 30/11/2022.

(b) The petitioner's services would be protected in this period and for one week thereafter till 07/12/2022 or one week beyond the date on which the competent authority decides the application/ proposal of the petitioner for issuance of a Tribe Certificate.

(c) The petitioner would render co-operation to the competent authority and would not indulge in delaying tactics.

(ARUN R. PEDNEKER, J.)

(RAVINDRA V. GHUGE, J.)

vjg/-.