

Diksha Rane

Digitally
signed by
DIKSHA
DINESH
RANE
Date:
2022.02.23
14:56:59
+0530

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 7386 OF 2021

Kundalik Pralhad Gavali ..Petitioner
vs.
State of Maharashtra & ors. ..Respondents

**WITH
WRIT PETITION NO. 7387 OF 2021**

Nagnath Maruti Gavali ..Petitioner
vs.
State of Maharashtra & ors. ..Respondents

Ms. Tejasweeta V. Bhosale for the petitioners.
Mr. B. V. Samant, AGP for State.

**CORAM : DIPANKAR DATTA, CJ &
M. S. KARNIK, J.
DATE : FEBRUARY 22, 2022.**

P.C. :

1. The petitioners claim that they belong to Thakar-Scheduled Tribe. The tribe claim status of the petitioners is pending before the Scheduled Tribe Caste Scrutiny Committee, Pune Division, Pune, since 2013. Since the petitioners are in public service and have been placed on supernumerary posts for eleven (11) months vide order dated July 10, 2020 and have been continued as such thereafter, these writ petitions have been instituted by them seeking direction on the said Scrutiny Committee to expedite the decision on their tribe claim status.

2. Our attention has been invited by Ms. Tejasweeta Bhosale, learned counsel appearing on behalf of the petitioners, to the vigilance report which supports the claim of the petitioners.

3. Mr. Samant, learned AGP appearing on behalf of the State submits that several proceedings are pending before the said Scrutiny Committee and in each case the committee is required to apply its mind and give its decision; hence, it may not be possible for the committee to give its decision before four (4) months.

4. Since both the petitioners are in public service and have since been placed on supernumerary posts awaiting decisions on their tribe claim status and as such placements are being continued from time to time, we are of the considered opinion that interest of justice would be sufficiently served if the said Scrutiny Committee is directed to give its decision on the petitioners' claims in accordance with law, as early as possible, but not later than three (3) months from date of receipt of a copy of this order. It is ordered accordingly.

5. The writ petitions stand disposed of. No costs.

6. All contentions are kept open.

(M. S. KARNIK, J.)

(CHIEF JUSTICE)