

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

NAGPUR BENCH : NAGPUR

WRIT PETITION NO.4992 OF 2021

Vinayak Sham Shete,
aged 44 years, occupation :
service, r/o B/16 Tushar Society,
Tadiwala Road, Pune-411001.

... Petitioner

- Versus -

1) Deputy Director/Secretary,
Scheduled Tribe Caste Scrutiny
Committee, Adiwasi Vikas Bhawan,
Giripeth, Nagpur.

2) Colonel, Colonel Administration for
Commandant and Managing Director,
512, Army Base Workshop, Kirkee,
Pune-411003.

... Respondents

Shri S.P. Palshikar, Advocate for petitioner.

Shri M.J. Khan, Assistant Government Pleader for
respondent no.1.

Smt. M.R. Chandurkar, Advocate for respondent no.2.

CORAM : DIPANKAR DATTA, C.J. AND
NITIN W. SAMBRE, J.

DATED : SEPTEMBER 5, 2022

P.C. :

1) The petitioner has been appointed by the Army Base
Workshop, Kirkee, Pune against a vacancy reserved for a

Scheduled Tribe candidate. Despite several opportunities having been extended to the petitioner to produce the tribe validity certificate, he has failed to do so. This resulted in a notice dated 7/9/2020 being issued by the Colonel, Col. Adm. for Comdt & MD, granting 60 days' time to the petitioner to produce the tribe validity certificate, failing which he was threatened with, *inter alia*, removal from service as well as return of all benefits obtained from the Government.

2) It is not in dispute that the petitioner had applied for the tribe validity certificate and the Scrutiny Committee has called upon him to produce relevant documents in support of his claim.

3) Since Shri Khan, learned Assistant Government Pleader appearing for the respondent no.1, submits that the Scrutiny Committee is agreeable to consider the petitioner's prayer for a tribe validity claim certificate within four months from date of receipt of the necessary documents, we see no reason to keep this writ petition pending any longer. The writ petition stands disposed of by the following order:

ORDER

- (i) The petitioner is granted time till 3rd October 2022 to produce all documents in support of his tribe claim.
- (ii) The Scrutiny Committee shall conduct vigilance enquiry and furnish copy of the report of the

Vigilance Cell, if the same is adverse to the petitioner's claim, to him within 72 hours of receipt of such report.

- (iii) The Scrutiny Committee shall proceed to issue a validity certificate in the event the tribe claim of the petitioner is substantiated based on the documents produced by him and by the Vigilance Cell's report. Should the Vigilance Cell's report be adverse and the documents produced by the petitioner not substantiate the tribe claim, the Scrutiny Committee shall proceed to pass an appropriate reasoned order in accordance with law.
- (iv) In any case, the Scrutiny Committee shall conclude the proceedings before it within a period of three months from the date of receipt of the documents produced by the petitioner.
- (v) In the event the petitioner produces the validity certificate within a fortnight of its receipt from the Scrutiny Committee, his services shall be continued by the employer. However, if the tribe claim of the petitioner is invalidated, the employer shall be at liberty to take such steps as are warranted according to law.
- (vi) The petitioner's service may not be disturbed till such time the Scrutiny Committee's decision reaches the petitioner's employer. The Scrutiny Committee shall, however, be free to forward its decision to such employer.

4) All contentions on merits are kept open. No costs.

(NITIN W. SAMBRE, J.)

(CHIEF JUSTICE)

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