

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

WRIT PETITION NO.4631 OF 2023

**PANCHFULA NAGNATH GOVINDWAD
VERSUS
THE STATE OF MAHARASHTRA THROUGH SECRETARY
AND OTHERS**

...

Advocate for the Petitioner : Shri Sunil M. Vibhute
AGP for Respondents 1, 4 and 5/State : Shri V.M. Kagne
Advocate for Respondents 2 and 3: Shri P.R. Tandale

...

**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 27th April, 2023

Per Court :-

1. Leave to add the Sub Divisional Officer, Degloor, District Nanded, as Respondent No.5. Addition be carried out forthwith. The learned AGP appears on behalf of Respondent No.5.

2. The proposal dated 02.04.2009 forwarded by the District Health Officer, Zilla Parishad, Latur, along with the original certificate, for seeking validation of the claim of the Petitioner that she belongs to the “Mannervarlu”, Scheduled Tribe category, is pending.

3. The learned AGP representing the Committee submits that the said papers are not traceable.

4. The learned Advocate for the Zilla Parishad submits that the original tribe certificate is a part of the said proposal/papers.

5. To resolve the issue, the learned Advocates for the respective sides suggest that the Petitioner should apply for a new “Mannervarlu”, Scheduled Tribe certificate in the original form and the said certificate should be tendered by the Petitioner to the Zilla Parishad, which would forward a fresh proposal to the Committee within 15 days from the receipt of the certificate.

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

(a) The Petitioner shall make an online application to Respondent No.5/SDO, Degloor along with the photostat copy of the tribe certificate, which is at page 13 in the petition paper book.

(b) This online application and tendering of the certificate, shall be completed on or before 15.05.2023, failing which, there would be no relief in favour of the Petitioner and the employer would be at liberty to initiate appropriate action against

the Petitioner.

(c) After such online application and the copy of the certificate is tendered, Respondent No.5 would scrutinize the record to trace out whether, the original certificate was issued to the Petitioner and accordingly, issue a fresh certificate, within 30 days from the date of the application.

(d) In any case, the Petitioner tenders the certificate to the Zilla Parishad on or before 15.07.2023, it shall forward a new proposal of the Petitioner to the Committee, on or before 31.07.2023.

(e) The Scrutiny Committee shall take a decision on the said proposal on or before 29.02.2024.

(f) The Petitioner would render wholehearted cooperation for the expeditious disposal of the claim and would refrain from seeking adjournments on unreasonable or trivial grounds, lest the Committee would be justified in progressing to the next stage in the proceeding.

(g) The Respondent/ Zilla Parishad would not terminate the service of the Petitioner until 29.02.2024 or till the decision of the Committee, whichever is earlier.

(h) If the decision of the Committee is adverse to the

Petitioner, the same shall not be brought into effect for a period of 15 days so as to enable the Petitioner to avail of the remedy as is permissible in law.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)