

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

947 WRIT PETITION NO.12571 OF 2023

ASHOK NATHA MANE
VERSUS
THE JOINT COMMISSIONER VICE CHAIRMAN SCHEDULED TRIBE
CERTIFICATE SCRUTINY COMMITTEE AND OTHERS

Mr.S.S.Wagh, Advocate for the Petitioner.
Mr.A.V.Deshmukh, AGP for the Respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
Y. G. KHOBRADE, JJ.)

DATE : OCTOBER 11, 2023

PER COURT :

1. The Petitioner's claim of belonging to Koli Mahadev S.T.Category was pending before Respondent No.1 Committee. Since the certificate was not in Form 'C', the Committee rejected the claim of the Petitioner by order dated 21.06.2022 and directed him to submit the Tribe Certificate in Form 'C'. The Petitioner did not move and after the Respondent No.3/Employer terminated his service on 19.07.2023, for the reason of not tendering the validity certificate, that the Petitioner woke up from deep slumber and moved an online application on 04.08.2023 for seeking a Koli Mahadev Tribe Certificate.

2. The learned AGP representing all the Respondents submits that had the Petitioner complied with the directions set out in the order dated 26.10.2022, he would have obtained his Form 'C' certificate and could have tendered it before the Committee in 2022 itself. He moved the Authorities on 04.08.2023 after his service was terminated on 19.07.2023.

3. In view of the above, **this Petition is partly allowed** with the following directions :-

[a] The Koli Mahadev ST certificate in Form 'C' shall be issued by Respondent No.3 within 30 days from today. The Petitioner would tender the said certificate with Respondent No.1 within 15 days thereafter.

[b] Respondent No.1 shall then proceed to complete the proceedings within 60 days in view of the statement of the Petitioner that the Vigilance Cell enquiry has been completed. The Petitioner would render wholehearted co-operation to Respondent No.1 and shall refrain from seeking adjournments on unreasonable and trivial grounds, lest the Committee would be justified in progressing to the next stage in the

proceedings.

[c] The impugned termination order dated 19.07.2023 shall stand quashed and set aside and the Petitioner shall be reinstated in service within 15 days from today.

[d] Since it is obvious that the Petitioner had been lethargic and complacent and had not moved Respondent No.3 for issuance of the Form 'C' certificate, that the issue of back wages shall be considered by Respondent No.3 after the claim of the Petitioner is validated.

[e] The Petitioner shall tender an affidavit undertaking to Respondent No.3/employer that he would not seek any service benefits / revision in salary/ increments etc. until his claim is validated. This affidavit shall be tendered within 15 days.

(Y. G. KHOBRADE, J.)

(RAVINDRA V. GHUGE, J.)