



(1)

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

917 WRIT PETITION NO. 12274 OF 2024

SHANKAR SHAMANNA TANGDELU

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY
2. THE SCHEDULED TRIBE CASTE CERTIFICATE SCRUTINY
COMMITTEE, CHHATRAPATI SAMBHAJINAGAR
3. THE JOINT SECRETARY, DEPARTMENT OF LAW AND
JUDICIARY, MANTRALAYA, MUMBAI
4. THE ESTABLISHMENT OFFICER, OFFICE OF THE
GOVERNMENT PLEADER, HIGH COURT, BENCH AT
AURANGABAD

....

Mr S. C. Yeramwar, Advocate for petitioner

Mr M. M. Nerlikar, Addl. G.P. for respondent Nos.1 & 2/State

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 28th November, 2024

PER COURT:

1. The petitioner who stands superannuated from the establishment of the office of the Government Pleader at the Aurangabad bench of the Bombay High Court is before us for want of a decision by respondent No.2/Scrutiny Committee on the proposal for validation of his tribe claim, his pension papers are not being finalized and he has not been extended any benefit.

(2)

2. Learned A.G.P., on instructions, submits that the proposal of the petitioner was pending with the Nashik Scrutiny Committee and has subsequently been transferred to the Scrutiny Committee, Chhatrapati Sambhajanagar. It has been numbered there and even some papers are available in the file but not the entire compilation to enable the Committee to decide the proposal objectively.

3. Learned Advocate for the petitioner, on instructions, submits that in the light of the Government Resolution dated 14/12/2022, as applied in the matter of **Shamrao Shrawanji Nikhare (dead), through Legal Heirs Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and another** (Writ Petition No.248/2020) and the subsequent decision of the Division Bench at Nagpur in the matter of **Narendra K. Kumbare Vs. Union of India, thr. its Secretary and others** (Writ Petition No.2539/2021, decided on 08/08/2023) and in the light of **Surekha Baljorsingh Thakur Vs. Caste Scrutiny Committee and another** (Special Leave Petition (Civ.) No.15632/2021)] vide order dated 01/04/2024 and **R. Sundaram**

(3)

Vs. Tamil Nadu State Level Scrutiny Committee and others,
2023 SCC OnLine Supreme Court 287, the petitioner is not interested in getting his tribe claim decided by the Committee. He would file affidavit before the Committee for not pressing his proposal and the respondents be directed to process his pension papers.

4. In light of above, we dispose of this writ petition in following manner :

(a) The petitioner shall file affidavit before respondent No.2/Scrutiny Committee and the Scrutiny Committee thereafter shall permit him not to press the proposal even without there being all the papers on the record, within two weeks.

(b) Respondent No.4 shall thereafter process the pension papers of the petitioner, as expeditiously as possible and in any case within a period of four weeks.

(PRAFULLA S. KHUBALKAR, J.) (MANGESH S. PATIL, J.)
sjk