



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11828 OF 2024

1. Vikas s/o Namdev Barge,
age 32 years, Occ. Service,
R/o. Jatwada Road, Honaji Nagar,
Samarth Residency, Chattrapati Sambhajinagar,
District Chhatrapati Sambhajinagar,
At Present R/o RMS, "BM" Division,
Madgaon – 403 601. Petitioner.

Versus

1. The State of Maharashtra,
Through it's Secretary,
Tribal Development Department,
Mantralaya, Mumbai – 32.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Chhatrapati
Sambhajinagar, District Chatrapati
Sambhajinagar, Through it's Member
Secretary.
3. The APMG (Staff), Office of the Chief
Post Master General, Maharashtra
Circle, Mumbai 400 001.
4. The Superintendent,
Office of the Superintendent of RMS,
"B" Division, 8, Wilson Garden,
Pune – 411 001.
5. The Superintendent,
Office of the Superintendent of RMS, 'BM'
Division, Miraj Head Post Office Building,
2nd Floor, Miraj, Tq. Miraj,
District Sangli - 416410. Respondents.

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Advocate for Petitioners : Mr. Y.B. Bolkar
APP for Respondents: Mrs R.P. Gour

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**CORAM : SMT. VIBHA KANKANWADI &
S. G. CHAPALGAONKAR, JJ.**

Dated : 24th October, 2024.

ORDER :- (Per S.G. Chapalgaonkar, J.)

1. The petitioner approached this Court under Article 226 of the Constitution of India, impugning the notice dated 7.10.2024 issued by the Superintendent of RMS, "BM" Division Miraj, by which he has been directed to submit certificate of caste validity within a period of one month, else Disciplinary Action is contemplated against him.

2. The petitioner has also prayed for issuance of writ of mandamus against the respondent no.2-Scheduled Tribe Certificate Scrutiny Committee for expeditious disposal of proposal seeking caste validity, which is pending since 18.4.2018. The petitioner seeks directions against the respondent nos.3 to 5 or any officer acting on their behalf from taking any coercive action against the petitioner pursuance to the impugned notice dated 7.10.2024.

3. The petitioner contends that he belongs to “Mannervarlu” (Scheduled Tribe-27). The Sub Divisional Officer, Jalna issued caste certificate in his favour certifying his caste to be ‘Mannervarlu’. The school record of the petitioner and revenue record in respect of his grand father supports his Tribe claim. Many blood relatives of the petitioner have been already conferred with validity certificate. The petitioner has been appointed by respondent no.5 on the post of Sorting Assistant and he had been posted SRO, RMS, “BM” Division, Madgaon. His employer has forwarded the proposal for caste verification of petitioner to respondent no.2 alongwith the supporting documents. The proposal is still pending. The petitioner made several representations to respondent no.2 for expeditious decision on his caste claim. However, he is informed that it is pending for Vigilance Cell Inquiry. On 31.5.2024 respondent no.4 transferred the petitioner from Miraj to Ahmednagar. However, on 29.7.2024 the transfer order has been cancelled only on the ground that petitioner has not submitted certificate of validity. Now, by impugned notice, the petitioner is directed to submit certificate of validity within a

period of one month, else, he shall be subjected to Departmental Action in terms of the Central Civil Services Rules, 1965.

4. Mr. Bolkar, learned advocate appearing for the petitioner would submit that the petitioner is not at fault. He made every endeavour for expeditious decision of his caste claim. The respondent no.2-Committee is not responding to his representations seeking expeditious disposal of the claim. At the same time, the employer has proposed departmental action for non-submission of the caste validity certificate. He would therefore urge to quash and set aside the impugned communication dated 7.10.2024 and issue necessary directions to the Respondent No.2-Committee for expeditious disposal of the caste claim and restrain the employer from initiating disciplinary action, as proposed.

5. We have considered the submissions advanced. We heard Mrs. R.P. Gour, learned AGP appearing for the Respondents-State. On instructions, she would submit that, the Respondent No.2-Committee would decide the pending

caste claim of the petitioner within a period of Three **(3)** Months.

6. We accept the said statement as an undertaking to this Court and trust that the pending proposal of the petitioner's caste claim would be decided by the respondent no.2-Committee within the period of Three (3) months from the date of this order in terms of undertaking.

7. In view of undertaking of Respondent no.2, we expect that respondent nos.3 to 5 would not act upon the impugned notice/communication dated 7.10.2024 so also withhold proposed coercive steps due to non-submission of validity certificate for the period of next **Four(4)** months or till decision of the Committee, whichever is earlier.

8. In that view of the matter, we **dispose off** the writ petition.

(S. G. CHAPALGAONKAR)
Judge

(SMT. VIBHA KANKANWADI)
Judge

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