



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO.5124 OF 2024

Ku. Bharati Shiwacharan Shrirame, At Ghorpad (Shirpur), Pos: Ajani, Tah. Kamtee

-VS-

State of Maharashtra, Thr. Chief Secretary, Mantralay Extension, Mumbai and anr.

Office notes, Office Memoranda of
Coram, appearances, Court's orders
or directions and the Registrar's orders.

Court's or Judge's Orders.

Shri N. D. Jambhule, Advocate for petitioner.

Shri D. P. Thakare, Additional Government Pleader for respondent Nos.1 and 2.

CORAM : BHARATI DANGRE AND ABHAY J. MANTRI, JJ.

DATE : September 26, 2024

1. The learned Additional Government Pleader Shri D. P. Thakare state that the claim of the petitioner as of belonging to 'Mana' Scheduled Tribe is pending with the Scheduled Tribe Certificate Scrutiny Committee, and on instructions, he make a statement that it shall be decided within a period of eight weeks.

2. The apprehension expressed by the petitioner is that because of delay in issuance of validity certificate in her favour, she may lose her seat as a Member of Gram Panchayat as she was elected on a seat reserved for Scheduled Tribe in the year 2021 and in fact it was imperative for her to produce validity certificate in Gram Panchayat.

3. Shri N. D. Jambhule, learned counsel for the petitioner make a categorical statement that till date, no adverse action has been taken against her and she continues to be a Member of Gram Panchayat.

As such, in view of the statement made by the learned counsel for the petitioner and since the Scrutiny Committee seek eight weeks time to take a final decision upon the claim of the petitioner pending before it, we deem it appropriate to protect the petitioner.

4. It is noted that apart from the Scrutiny Committee and the Chief Secretary of State of Maharashtra, the Collector, Nagpur is not included as a respondent.
5. We submitted to the counsel for the petitioner to carry out necessary amendment forthwith by impleading the Collector, Nagpur as respondent No.3, as it is in his supervisory jurisdiction Ghorpad Gram Panchayat falls and he exercises supervisory control over it.
6. Let necessary amendment be carried out forthwith.
7. We issue notice to the newly added respondent No.3 and the learned Additional Government Pleader waive notice for the added respondent.
8. We direct till the time when the tribe-claim of the petitioner is decided on its verification, the petitioner shall not be subjected to any adverse action.
9. The above order shall be communicated to the respondents by the Additional Government Pleader.
10. The Writ Petition is disposed of in aforesaid terms. No costs.

(Abhay J. Mantri, J.)

(Bharati Dangre, J.)