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

911 WRIT PETITION NO. 3075 OF 2025

SHIVAJI SANDU MORE

VERSUS

1. THE STATE OF MAHARASHTRA THROUGH SECRETARY, RURAL
DEVELOPMENT DEPARTMENT, MANTRALAYA, MUMBAI
2. THE SCHEDULED TRIBES CERTIFICATE SCRUTINY COMMITTEE,
AURANGABAD
3. THE CHIEF EXECUTIVE OFFICER, ZILLA PARISHAD, AURANGABAD
4. THE EDUCATION OFFICER (PRIMARY), ZILLA PARISHAD,
AURANGABAD

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Mr Deepak D. Choudhari & Ramesh B. More, Advocates for petitioner
Ms P. J. Bharad, A.G.P. for respondent Nos.1 & 2
Mr S. R. Dheple, Advocate for respondent Nos.3 & 4

CORAM : MANGESH S. PATIL

AND

PRAFULLA S. KHUBALKAR, JJ.

DATE : 4th March, 2025

PER COURT:

1. Heard.
2. Issue notice for final disposal to the respondents, returnable forthwith. Learned A.G.P. waives service of notice on behalf of respondent Nos.1 and 2. Learned advocate Mr Dheple waives service of notice on behalf of respondent Nos.3 and 4.
3. The petitioner who was appointed against a seat reserved for the scheduled caste/scheduled tribe stand superannuated and is awaiting pension and pensionary benefits. He is taking exception to the communication dated 24/10/2024, whereby respondent

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No.4/Education Officer has returned the proposal to the Block Development Officer with four objections.

4. So far as objection regarding absence of certificate of validity, learned advocate for the petitioner submits that since the petitioner stands superannuated and since it is a matter of pensionary benefits which even according to the State Government the persons like the petitioner would be entitled in the light of the Government Resolution dated 14/12/2022, coupled with several decisions of this Court in the matter of **Shamrao Shrawanji Nikhare (dead) Through LR. and Ors. Vs. Scheduled Tribe Caste Certificate Scrutiny Committee and Anr.; (WP No.248/2020, dated 29.09.2023), Narendra K. Kumbhare Vs. The Union of India and Ors.; (WP No.2539/2021, dated 08.08.2023), and Shankar Shamanna Tangdelu Vs. The State of Maharashtra and Ors.; (WP No.12274/2024, dated 28.11.2024)**, the petitioner is entitled to have pension and pensionary benefits even without there being certificate of validity.

5. Learned advocate further submits that he has duly complied with objections at Sr. Nos.2 and 3 and objection at Sr. No.4 is not pertaining to his compliance. He submits that a fresh proposal

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was forwarded by the petitioner directly to respondent No.4/Education Officer on 28/01/2025 (Annexure 'D').

6. Learned advocate for respondent Nos.3 and 4 submits that appropriate decision would be taken on the petitioner's proposal in the light of aforementioned state of affairs and certificate of validity will not be insisted for.

7. The writ petition is disposed of with following directions :-

(i) The petitioner shall appear before respondent No.2/scrutiny committee, submit an affidavit disclosing that he does not intend to have a certificate of validity. The respondent/scrutiny committee shall permit him to place it on the record and dispose of the proposal.

(ii) He shall thereafter produce the order of the committee before respondent No.4/Education Officer.

(iii) Respondent No.4/Education Officer shall then reconsider the proposal in the light of compliance made by the petitioner and without insisting for tribe validity certificate. The decision

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shall be taken in accordance with law, as expeditiously as possible and in any case within a period of six weeks.

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

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