



सत्यमेव जयते

राष्ट्रीय अनुसूचित जनजाति आयोग
National Commission for Scheduled Tribes

(भारत के संविधान के अनुच्छेद 338क के अंतर्गत दीवानी न्यायालय की शक्तियों को प्रयोग करने वाला एक संवैधानिक निकाय)
(A Constitutional body exercising powers of a Civil Court under Article 338A of the Constitution of India)

F. No. NCST/DEV-359/MH/13/2022-ESDW

Dated: ...14/03/2023.

To,

Shri Manu Kumar Srivastava,
Chief Secretary,
Government of Maharashtra,
CS Office Main Building,
Mantralaya, 6th Floor, Madame Cama Road,
Mumbai-400032 (Maharashtra)
E-Mail: chiefsecretary@maharashtra.gov.in

Sub: Minutes/proceeding of the Sitting/Hearing taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 20.02.2023 at 03:30 PM regarding Representation dated 27.03.2022 of Prof. Ashok Wooike, M.L.A, 77 Ralegaon, District- Yavatmal, President BJP ST Morcha, Maharashtra regarding Maharashtra Government's evasion of recruitment to the vacant reserved seats of the Scheduled Tribes.


Sir/Madam,

I am directed to enclose herewith a copy of Minutes/Proceeding of the Sitting/Hearing taken by Shri Ananta Nayak, Hon'ble Member, NCST, New Delhi on 20.02.2023 at 03:30 PM on the above mentioned subject for information and necessary action.

2. You are requested to send the Action Taken Report (ATR) on the recommendations of the Commission within 15 days from the date of receiving of the Minutes/Proceeding.

Encl: as Above.

Yours faithfully,


(H.R. Meena)
Research Officer

Copy for information to: -

Prof. Ashok Wooike,
M.L.A, 77 Ralegaon,
At - Ranapratap Nagar,
Arni Road, Yavatmal,
Maharashtra

National Commission for Scheduled Tribes

No. NCST/DEV-359/MH/13/2022-ESDW

Minutes of the Sitting held under the Chairmanship of Shri Ananta Nayak, Hon'ble Member, National Commission for Scheduled Tribes at Lok Nayak Bhawan, New Delhi, on the Representation of Prof. Dr. Ashok Wooike, M.L.A, Ralegaon, Maharashtra regarding the Non-implementation of the Supreme Court Judgement in Food Corporation of India VS Jagdish Bahira (Civil Appeal No 8928 of 2015) by the Government of Maharashtra. Inaction. Negligence and Failure of the Government on the candidates holding Fake Caste Certificates and the deprivation of employment to the genuine ST Candidates.

Date of the sitting: 20/02/2023, 3:30 AM

Participants in the Sitting - As per Annexure

This is in continuation of earlier proceedings of the case. Since the Chief Secretary could not submit detailed reply as sought for by the Commission in its previous Sitting, he was Summoned to appear before the Commission on 20th February.

During the Course of the Sitting the Commission took serous view of the non-responsive and irresponsible attitude of the Chief Secretary in submission of detailed reply and the non-implementation of the Hon'ble Supreme Court Judgment in Food Corporation of India VS Jagdish Bahira (Civil Appeal No 8928 of 2015) by the Government of Maharashtra.

The Commission reprimanded the Chief Secretary on the fact that fake/bogus certificate holders are being given protection by shifting them to supernumerary posts which is a blatant violation of Supreme Court judgment mentioned earlier. As per judgement, the seats reserved for the ST candidates should be made vacant and filled with the legitimate tribal people with valid Caste Certificates. The Commission expressed serious displeasure at the casual manner to deal with this serious issue since past many years. Submitting the reply during the hearing, the Chief Secretary stated that the required information is very lengthy and it takes long time to compile the data from various departments. This reason cited is not at all tenable.

The Commission inquired about the slow pace of filling up of the vacancies. The Chief Secretary stated that the Government is endeavoring to fill vacant posts expeditiously. He assured the Commission that vacancies notified under Group III and Group IV posts would be filled up by 31st July 2023 and under Group I and Group II by 23rd December 2023. The Commission asked him to send a report at the earliest of the progress of the recruitment.

The Commission is shocked to learn that since form the year of 2001 till date only 79 FIRs had been registered against all the fake/bogus ST certificate holders in the State of Maharashtra. On being questioned as to why the number was so less, despite the law mandating action against such people, the Chief Secretary could not provide a satisfactory reply.

It has been submitted to the commission that the State has constituted a committee headed by the ACS Revenue for cancelled of all fake caste certificates and this committee


may take appropriate action. The Chief Secretary submitted that they cannot go beyond the decision of the state cabinet.

The Commission also questioned the Chief Secretary as to why provisions of SC/ST Prevention of Atrocities Act were not being added in the FIRs. The Chief Secretary stated that he would seek legal opinion on this issue.

After the hearing, the Commission recommends the followings -

1. The Chief Secretary, Government of Maharashtra to submit the copies of proposal(s) put in cabinet meeting along with all files noting and correspondences portion relating to the cabinet decision passed on with respect to Government Resolution dated 21st December 2019.
2. Provide the details of the employees (Department wise) who joined the services from Scheduled Tribe reserved category and now changes their category from ST to Special Backward Class also provide the details of the employee till date didn't produce the Scheduled Tribe validity certificate to the authority.
3. Provide the details of the employee (Department wise) whose Scheduled Tribe Caste certificate and validity certificates are under suspicious position.
4. A detailed report pertaining to the number of fake caste certificates found in Aurangabad Revenue Division and action taken against report against fake/bogus caste certificate holders as well as the issuing authority. Also provide the composition of the Committee constituted under the supervision of Additional Chief Secretary, Revenue Department, Mantralaya, Mumbai for cancellation of fake and bogus Scheduled Tribes Caste Certificates.
5. Detailed Action Taken Report (ATR) as per section 10 to section 13 of Act 2001 along with the addition of sections of SC/ST Prevention of Atrocities Act and Indian Penal Code, 1880 to the FIR's pertaining to fake, bogus caste certificates.
6. The Chief Secretary, Government of Maharashtra has to submit the detailed reply under which Article of Constitution of India and under which provisions of Law, the cabinet has power to override the decision of the Supreme court of India by way of issuing Government Resolution.
7. The Chief Secretary, Government of Maharashtra to ensure that the timeline he has communicated regarding filling up of vacancies is strictly adhered to and a progress report about the same be sent to the Commission at the earliest.

The Chief Secretary, Government of Maharashtra must submit a detailed Action Taken Report with Compliance of the Recommendations to the Commission within 15 days.


अनंत नायक/ANANTA NAYAK
सदस्य/Member
राष्ट्रीय अनुसूचित जनजाति आयोग
NATIONAL COMMISSION FOR SCHEDULED TRIBES
भारत सरकार/Govt. of India
नई दिल्ली/New Delhi

(ANNEXURE)

F. No. NCST/DEV-359/MH/13/2022-ESDW

LIST OF PARTICIPANTS:-

S. No.	Date	Designation
1.	Shri Ananta Nayak	Hon'ble Member
2.	Shri K. Touthang	Joint Secretary
3.	Dr. Jayant Sarode	Director
4.	Shri H.R. Meena	Research Officer
5.	Shri Radhakanta Tripathy	Sr. Legal Advisor
6.	Shri Rahul Yadav	Legal Consultant
7.	Miss Ayushi Jain	Young Professional (Legal)
The Chief Secretary, Government of Maharashtra		
1.	Shri Manu Kumar Srivastava	Chief Secretary
2.	Shri Sumant Bhangе	Secretary, GAD
3.	Shri R.A. Khadse	Under Secretary
Petitioner		
1.	Not Present	Petitioner