

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(1) CA NO.3338/2015

**947 CIVIL APPLICATION NO. 3338 OF 2015
IN WP/4524/2012**

MAHESH RAMESHWAR SWAMI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Applicant : Mr. P.V.Mandlik, Senior Counsel i/b
Mr.Swami Mahesh C.
AGP for Respondent State:Mr. D.V.Tele

...
CORAM : S.S. SHINDE & P.R. BORA, JJ.
Dated: March 27, 2015

...
PER COURT :-

1. Learned Senior Counsel appearing for the petitioner submits that the petitioner is due for promotion, however, respondents are not considering his case on the ground that he has not submitted the caste validity certificate. He submits that the caste claim of the petitioner is invalidated by respondent Committee, however, the said order is assailed in Writ Petition No.4524/2012 and this Court has stayed effect and implementation of the said order by granting relief in terms of prayer clause C during pendency of the petition.

2. We have considered the submission of the learned Senior Counsel appearing for the applicant / petitioner. In the light of the circular dated 12th December, 2011, issued by the General Administration Department which provides for considering

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

(2)

CA NO.3338/2015

the cases of the employees to consider their claim for promotion subject to outcome of the proceedings pending in respect of the caste validity certificate and also the instructions issued by the Special Director General of Police (Administration), Maharashtra State, which are also in consonance with the aforesaid circular.

3. In our opinion, in view of the own policy of the State Government as reflected through the afore mentioned circular, the petitioner's case deserves to be considered subject to outcome of the decision in Writ Petition No.4524/2012.

Accordingly, we allow this Civil Application and direct respondent nos. 4 to consider the case of the petitioner in the light of the circular 12th December, 2011 and guidelines issued referred here-in-above as expeditiously as possible and preferably, within three months from today.

The application stands disposed of.

(P.R. BORA, J.)

(S.S. SHINDE, J.)

...