

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO.1669 of 2015

Hiramani d/o Shankar Dashtewad,  
age: 23 years, occu: Nil,  
R/o Barul, Tq. Kandhar  
Dist. Nanded

Petitioner

Versus

1 The State of Maharashtra  
through: Its Secretary

2 The Scheduled Tribe Certificate Scrutiny Committee,  
Aurangabad  
through Its Deputy Director (R)

3 The Divisional Controller,  
Maharashtra State Road Transport Corporation,  
Ratnagiri, Tq. Ratnagiri  
District; Ratnagiri

Respondents

Mr.P.V. Jadhavar advocate for the petitioner  
Mr. U.S. Mote, AGP for respondent No.1  
Mr.P.S. Patil advocate for respondent No.2

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CORAM : R.M. BORDE &  
P.R. BORA, JJ

Date : 31st AUGUST, 2015.

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Rule.

2 With the consent of the parties, petition is taken up for final  
decision, at admission stage.

3 In spite of issuance of notice to respondent No.3 on two occasions, the concerned respondent has not caused appearance and has not contested the petition.

4 It is not a matter of dispute that, the petitioner has been selected for the post of Conductor, during the process of selection, initiated by respondent No.3. However, the petitioner has not been appointed provisionally, although the candidates belonging to Scheduled Castes (SCs) and other backward classes, have been issued provisional appointment orders. The petitioner, however, has been directed to produce the validation certificate as pre-condition for issuance of order of appointment. The petitioner contends that discriminatory treatment has been given to candidates belonging to ST and other backward categories. On perusal of the letter issued by respondent No.3 dated 20.5.2013 it does appear that the candidates belonging to ST category have been discriminated in the matter of issuance of the provisional order of appointment. The petitioner contends that, validation claim in respect of the tribe certificate issued to her is pending for consideration before the competent scrutiny committee. The petitioner has also further contended that, she has undergone requisite training conducted by respondent No.3. However, she

has not been issued an order of provisional appointment.

5 The Government of Maharashtra, through its General administration Department, has issued directives on 5.11.2009, prescribing a condition in respect of submission of the caste/tribe certificates, before issuance of the order of appointment and said condition has been struck down by this Court while dealing with the writ petition No.2136 of 2011 by order dated 25.8.2011. In pursuance to the decision rendered by the High Court in the matter, quoted above, the State Government has issued a resolution on 12.12.2011 clarifying that the provisional appointment order shall be issued subject to validation of the caste/tribe claims of the selected candidates belonging to reserve category. The decision taken by respondent No.3 extending discriminatory treatment to the petitioner is liable to be struck down.

6 Learned counsel appearing for scrutiny committee, on instructions states that the validation claim in respect of tribe certificate submitted by the petitioner shall be decided as expeditiously as possible and preferably within a period of six months from today.

7 The statement made is acceptable. The respondent No.3 is hereby directed to issue provisional appointment order to the petitioner, which shall be liable to be confirmed on production of validation certificate. The provisional appointment order shall be issued as expeditiously as possible and preferably within a period of one month from today.

8 Rule is accordingly made absolute.

9 There shall be no order as to costs.

(P.R. BORA, J)

(R.M.BORDE, J)

vbd