

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.6966 OF 2015

Vijay @ Vijaysing s/o Hiralal Baviskar,
Age-28 years, Occu: At present Nil,
R/o-At Post-Shirud, Bazar Peth,
Near Ganpati Mandir,
Tq. & Dist-Dhule.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai-32,
- 2) The Committee for Scrutiny and
Verification of Tribe Claims,
Through its Dy. Director (Research),
Nandurbar,
- 3) Mazgaon Dock Limited,
Through its General Manager,
Dockyard Road, Mazagaon,
Mumbai-400 010.

...RESPONDENTS

...

Mr.Arun H. Koralkar Advocate for Petitioner.
Mrs. A.V. Gondhalekar, A.G.P. for Respondent
No.1.

Mr. P.S. Patil Advocate for Respondent No.2.

Mr. Amit Yadkikar Advocate for Respondent No.3.

...

**CORAM: R.M. BORDE AND
A.I.S. CHEEMA, JJ.**

DATE : 15TH DECEMBER, 2015

ORAL JUDGMENT [PER R.M. BORDE, J.] :

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the Petition is taken up for final disposal at admissions stage.

2. The Petitioner claims to be belonging to "Thakur", Scheduled Tribe. He has been selected for making an appointment to the post of Utility Hand by Respondent No.3 - Mazgaon Dock Limited. The letter of appointment issued on 22nd April 2015 puts a pre-condition in respect of production of validation certificate for permitting the Petitioner to resume the duties. The Petitioner contends that the validation claim forwarded to the Respondent No.2 - Scrutiny Committee is pending consideration and no decision has been

arrived at till today. The Petitioner contends that in view of the Judgment of the Division Bench of this Court interpreting the policy of the State Government in the matter of Avinash Gokul Thakur vs. State of Maharashtra in Writ Petition No.7997 of 2011, dated 20th October 2011, the Respondent No.3 shall have to permit the Petitioner to resume the duties subject to decision in respect of the validation claim pending with the Respondent No.2 - Scrutiny Committee.

3. In view of the Judgment delivered by the Division Bench of this Court in Writ Petition No.7997 of 2011, the instant Petition can be disposed of by issuing following directions:

I) The Respondent No.2 shall decide the claim in respect of the validation of the tribe certificate issued in favour of the Petitioner, as expeditiously as possible, preferably within a period of ONE YEAR

from today.

II) The Respondent No.3 shall permit the Petitioner to resume the duties within FOUR WEEKS from today and continue him in employment subject to the decision in respect of the validation claim pending with Respondent No.2 - Scrutiny Committee.

4. It is pointed out that the employment offered to the Petitioner is contractual employment and outer limit for permitting the Petitioner to continue in the employment shall be as stated in the appointment letter issued in his favour. If at all the Respondent No.3 adopts policy in respect of regularization of other employees, similarly situated, the same shall be applicable to the Petitioner, subject to decision, in respect of his caste validation claim, pending before Respondent No.2 - Scrutiny Committee.

5. Rule is made absolute in the terms as indicated above. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

asb/DEC15

[R.M. BORDE, J.]