

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

905 WRIT PETITION NO.8928 OF 2015

PANDURANG BABANRAO RAUT
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Jadhavar Pratap V.
Mr. DR Kale, I/c GP for Respondent/State;
Mr. PS Patil, Adv. for Resp.No.2/Committee.

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

DATE : 1st September, 2015.

PER COURT :

1) Heard. The petitioner claims to belong to "Koli Mahadeo" scheduled tribe. He has been appointed as Craft Instructor (Tractor Mechanic) with Respondent Nos. 3 and 4 as against a seat reserved for scheduled tribe category. As the appointment of the petitioner was on a reserved post, he was required to tender Caste Validity Certificate. However, since the validation claim was pending consideration before Respondent No.2-Committee, the petitioner could not submit the Caste Validity Certificate within the time stipulated by the employer.

2) The petitioner has earlier filed a writ petition being Writ Petition No.9323/2012 in this Court and while disposing of the said writ petition, this Court has directed to the Caste Scrutiny Committee to take decision on the validation claim tendered by the petitioner within a period of six months from the date of the order, i.e. 7th December, 2012.

3) It has been pointed out that in spite of issuance of the directions by this Court, the Caste Scrutiny Committee has not decided the tribe claim of the petitioner.

4) Learned Counsel appearing on behalf of Respondent – Caste Scrutiny Committee, on instructions, informs that since there was no quorum available for certain period, the Committee could not take up the matters for adjudication and the Committee would dispose of the validation claim of the petitioner within a period of three months from today. It is contended that the petitioner has also failed to co-operate the Committee in disposing of the validation claim.

5) Without going into the controversy, we deem it appropriate to accept the statement made on behalf of the Committee in respect of disposal of the validation claim within a period of three months from today. Time is extended by three months for disposal of the validation claim by the Caste Scrutiny Committee.

6) Respondent Nos.3 and 4 are directed not to take any adverse action against the petitioner on account of non-submission of Caste Validity Certificate. It would be open for the Respondents/employer to take appropriate steps after adjudication of the validation claim of the petitioner pending before the committee.

7) It is informed by learned Counsel for the Committee that the Committee has referred the matter to vigilance cell and the report is awaited. We direct that the report of the vigilance cell shall be secured within a period of four weeks from today and after receipt of the report of the Vigilance Cell, the copy thereof shall be provided to the petitioner, as required under the rules, calling upon him to

tender his explanation in regard to the report. The petitioner shall cause his appearance before the Caste Scrutiny Committee on **1st October, 2015**. As such, no separate notice is required securing presence of the petitioner before the Committee.

8) The Writ Petition is disposed of accordingly in the aforesaid terms. There shall be no order as to costs.

sd/-
(P.R.BORA)
JUDGE

sd/-
(R.M.BORDE)
JUDGE

bdv/