

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH AT NAGPUR

WRIT PETITION NO.5136/2015

Ravi son of Manoharrao Kannake

...Versus...

The State of Maharashtra, through its Secretary, Department of Fisheries,
Mantralaya, Mumbai-32 and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Shri Vilas Kulsange, Advocate for petitioner
Shri D.B. Patel, AGP for respondent nos.1 to 4 - State
Shri S.R. Narnaware, Advocate for respondent no.5

CORAM : SMT. VASANTI A. NAIK AND
A.I.S. CHEEMA, JJ.

DATE : 21.10.2015

By this petition, the petitioner seeks a direction to the Scrutiny Committee to verify the caste claim of the respondent no.5 within a time-frame. The petitioner has also sought a direction to the respondents to keep the claim of the petitioner open and alive as the caste claim of the respondent no.5 may be invalidated.

The petitioner as well as the respondent no.5 had applied for the post of Stenographer (Lower Grade) that was reserved for the Scheduled Tribes. According to the petitioner, the petitioner has a caste validity certificate, whereas the respondent no.5 does not possess the same. The respondent no.5 was placed at serial no.1 in the select list and the petitioner claims to have been placed at serial no.2. According to the

petitioner, it would be necessary for the respondent no.5 to produce the caste validity certificate within a period of six months. It is stated that if the Scrutiny Committee does not decide the caste claim of the respondent no.5 within a reasonable time, the claim of the petitioner to the staid post, being second in the select list, would stand frustrated as the select list would lapse.

We find that the petition is premature. According to the advertisement, the selected candidate could be appointed, subject to submission of the caste validity certificate within a period of six months. The period of six months has not yet expired. Merely because the petitioner is placed at serial no.2 in the select list, the petitioner cannot seek a direction to the MPSC to keep the select list alive till the caste claim of the respondent no.5 is decided.

In the circumstances of the case, we dispose of the writ petition only with a direction to the Scrutiny Committee to decide the caste claim of the respondent no.5 as early as possible.

Order accordingly. No costs.

JUDGE

JUDGE