

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5882 OF 2016

Laxman Venkatrao Rautwar,
age: 35 years, occu: Selectee
R/o Krushnur, Tq. Naigaon,
Dist. Nanded

Petitioner

Versus

- 1 Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through Its Member Secretary
- 2 Maharashtra Industrial Development
Corporation, Mumbai
Head Office, Udyog Sarthi,
Mahakali Gupha Road,
Andheri (East), Mumbai 93
through Its Administrative Officer

Respondents

Mr. S.S. Phatale advocate for the petitioner

Mr. S.S. Dande Assistant Government Pleader for Respondents

CORAM : R.M. BORDE &
K.L. WADANE, JJ

(Date : 3rd August, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

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

3 The petitioner claims to belong to Mannerwarlu, Scheduled Tribe and is in receipt of certificate issued by the Sub-Divisional Officer certifying accordingly. The petitioner has been selected for appointment to the post of a driver in MIDC, as against a seat reserved for ST category in the year 2015. However, since the petitioner is not in a position to tender validation certificate, on account of pendency of the proposal with the scrutiny committee, the employer has not issued appointment order. One of the conditions contained in the order of selection mandates a selected candidate to submit validation certificate within a period of eight days. On production of such certificate, the employer has assured to issue appointment order.

4 Imposition of such precondition is violative of the Policy of the Government recorded in the resolution dated 12.12.2011. The petitioner ought to have been issued the letter of appointment by the respondent employer appointing him, subject to production of the validation certificate.

5 In the facts and circumstances of the case, this petition stands disposed of with direction to respondent No.1 scrutiny committee to take decision on the caste validation proposal of the petitioner, as expeditiously as possible and preferably within a

period of one year from today. Respondent No.2 employer shall issue provisional appointment order for the post, for which the petitioner is selected, subject to decision in respect of tribe certificate validation proposal pending with respondent No.1 committee. In the event of failure of the petitioner to substantiate his claim before respondent No.1 committee, it would be open for the employer to withdraw the appointment. The employer shall issue letter of appointment as expeditiously as possible and preferably within a period of 8 weeks from today.

6 Rule is made absolute accordingly.

7 No costs.

(K.L. WADANE, J)

(R.M.BORDE, J)