

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

WRIT PETITION NO. 5131 OF 2015

Sadhu s/o Mahadu Chivale
age 27 years, occ. Nil
r/o Borda, Tq. Gangakhed
Dist. Parbhani

.. PETITIONER

VERSUS

- 1 The State of Maharashtra
 Through Secretary
 General Administration Dept.
 Mantralaya, Mumbai
- 2 The Divisional Controller
 Maharashtra State Road Transport Corporation
 Ratnagiri Division, Ratnagiri
 Dist. Ratnagiri
- 3 The Scheduled Tribe Caste Certificate
 Verification Committee Aurangabad
 Through its Dy. Director (R)
 Aurangabad.

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. S.S. Dande, AGP for the State.

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**CORAM : R.M. BORDE &
 K. L. WADANE, JJ.
DATE : 28th JUNE, 2016.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Rule. Rule made returnable forthwith.
2. Heard finally with the consent of learned counsel for the respective parties.

3. Petitioner has been selected for appointment to the post of conductor in Maharashtra State Road Transport Corporation, Ratnagiri Division, Ratnagiri. Petitioner belongs to Koli Mahadev Scheduled Tribe category and has been selected for the post of conductor against reserved vacancy. Validation claim in respect of tribe certificate issued to the petitioner is pending consideration with the Scrutiny Committee since 2014. However, as a result of failure of petitioner to submit validation certificate, appointment letter has not been issued by respondent no. 2 MSRTC. In view of Government Resolution dated 12.12.2011, the employer ought to have issued letter of appointment subject to decision in respect of validation claim pending with the Scrutiny Committee.

4. In view of above, we direct respondent no. 2 – employer to issue letter of appointment to petitioner making appointment to the post of conductor as expeditiously as possible preferably within a period of one year from today. Appointment of petitioner shall be subject to outcome of the validation proceeding pending with the Scrutiny Committee.

5. The Divisional Controller, MSRTC, Ratnagiri Division has failed to respond to the notice issued by this Court. On second occasion notice was re-issued to the concerned respondent by order dated 21.09.2015 warning him of the consequences of his failure to appear in the matter. However, inspite of issuance of notice, concerned respondent has failed to cause appearance in the matter inspite of warning. Considering this aspect, respondent no. 2 is directed to deposit cost of Rs. 25,000/- in this Court

within a period of four weeks from today. On deposit of amount same shall be allotted to the account of High Court Legal Services Committee. Rule is accordingly made absolute.

(K. L. WADANE)
JUDGE

(R. M. BORDE)
JUDGE

dyb