

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.12612 OF 2016

Prabhu Dattatraya Totewad,
age: 25 years, ccu: nil
R/o Bitnal, Tq. Umri,
Dist. Nanded

Petitioner

Versus

- 1 The State of Maharashtra,
Through it's Secretary,
General Administration Department,
Mantralaya, Mumbai – 32
- 2 The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
through Its Deputy Director (R)
- 3 The Manager,
Government Photozinko Press
& Book Depot,
Pune 411 001

Respondents

Mr.A.V. Indrale Patil advocate for the petitioner

Mr.S.P. Tiwari, Assistant Government Pleader for Respondents

**CORAM : R.M. BORDE &
SANGITRAO S. PATIL, JJ**

(Date : 21st December, 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 Mannervarlu Caste and is in receipt of the tribe certificate issued by the Competent Authority. He has been selected for the post of Parichar Pratirup in Government Press & Depot. However, on account of his inability to furnish validation certificate, the order of appointment has not been issued by the employer i.e. respondent No.3. He is called upon by communication dated 2.11.2016 to tender the caste certificate along with supporting documents. The petitioner tendered necessary documents in support of his claim which have been forwarded by respondent No.3 to the scrutiny committee on 18.11.2016. The petitioner claims that, in view of the Policy of the State Government declared on 12.11.2011 as well as the decision of the High Court in Writ Petition No.2136 of 2011 decided on 25.8.2011, the petitioner shall have to be issued provisional order of appointment, subject to submission of an undertaking by the petitioner to submit validation certificate within specified period. The respondent employer, overlooking the directions issued by the Government in that regard, referred to above, has refused to issue order of appointment. As such the petitioner has approached this Court.

4 In view of the facts stated as above, this petition can be disposed of by issuing direction to respondent No.2 to take

decision on the tribe certificate verification proposal of the petitioner, as expeditiously as possible and preferably within a period of one year from today and it is accordingly directed. In the meanwhile, respondent No.3 shall issue provisional order of appointment, subject to furnishing of an undertaking by the petitioner to the effect that he would submit validation certificate within a period of one year from today and in the event of his failure to submit validation certificate and in the event of rejection of his claim by the scrutiny committee, the order of appointment issued to the petitioner shall be liable to be withdrawn with retrospective effect. The respondent No.3 employer shall issue necessary orders of provisional appointment subject to tendering of an undertaking by the petitioner, as referred to above, within six weeks from today.

5 Rule is accordingly made absolute.

(SANGITRAO S. PATIL, J)

(R.M.BORDE, J)