

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 13601 OF 2016

Ankur Pankaj Toraskar

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

WITH

WRIT PETITION NO. 13602 OF 2016

Suryavanshi V. Sangramsing

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

WITH

WRIT PETITION NO. 13605 OF 2016

Dattatray Dalpat Mahale

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

IN WP.13601/16

Mr. R. K. Mendadkar, for the Petitioner.

Mr. P. G. Sawant, AGP, for the Respondent Nos.1 to 3.

IN WP.13602/16

Mr. R. K. Mendadkar, for the Petitioner.

Mr. P. G. Sawant, AGP, for Respondent Nos.1 and 2.

Mr. Sandeep V. Marne, for Respondent No.3.

IN WP.13605/16

Mr. R. K. Mendadkar, for the Petitioner.

Mr. P. G. Sawant, AGP, for Respondent Nos.1 and 2.

MR. N. R. Bubna, for Respondent No.3.

CORAM :- S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.
DATE :- DECEMBER 8, 2016.

P. C.:

In all these matters, the Petitioners are apprehending termination of their services for not complying with the condition in the appointment order of producing a caste validity certificate. Each of the Petitioners obtained public employment and in terms of Section 3 of the Act 23 of 2001. Thereafter, for continuation of the benefits in terms of that provision, the Petitioners have to comply with the Act 23 of 2001 in further terms. Meaning thereby, no caste certificate will enable them to obtain such employment. Their certificate needs scrutiny and verification by the Competent Scrutiny Committee, under that Act. That committee will validate the caste claim based on which the Petitioners can continue in employment against the reserved post. Now, these certificates are forwarded but the Scrutiny Committee has failed to take a decision with regard to their validation or otherwise.

2 Consequently, Mr. Mendadkar submits that it is the Petitioners who are not to be blamed. They have no control over the proceedings of the Committee. When we enquired with Mr. Sawant, the learned AGP for the Respondents, particularly the Committee in each of these matters, he fairly states that the Committee was unable to pass the final order in terms of Act 23 of 2001. He prays for six months time so that the requisite order can be passed.

3 In the light of these admitted facts and circumstances, we dispose off these petitions with the direction that the Petitioners' employment / services shall not be terminated until the caste scrutiny committee passes a final order on the pending claim and for a period of two weeks thereafter, in the event of an order adverse to the Petitioners' interest being passed. We clarify that all contentions of both sides on merits are not affected by our order and direction. We have not directed the committee to validate the certificate or otherwise. The Writ Petitions are disposed off with these limited directions.

(B. P. COLABAWALLA, J.) (S. C. DHARMADHIKARI, J.)