

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

WRIT PETITION NO.1854/2016

Prakash s/o Janardhan Garmale

...Versus...

Regional Appointment Committee and Chief Conservator of Forest (Regional),
Gadchiroli, Tahsil and District Gadchiroli 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 P.P. Dhok, Advocate for petitioner
Shri A.K. Bangadkar, AGP for respondent nos.1 to 4

CORAM : SMT. VASANTI A. NAIK AND
V.M. DESHPANDE, JJ.

DATE : 30.03.2016

By this writ petition, the petitioner seeks a direction to the respondent no.1 to appoint the petitioner on the post of Forest Guard as per the selection letter, dated 15.1.2016. The petitioner also seeks a direction to the Scrutiny Committee to decide the caste claim of the petitioner within a time-frame.

The petitioner claims to belong to 'Mana' Scheduled Tribe. The petitioner had applied for appointment on the post of Forest Guard in pursuance of an advertisement issued by the respondent no.1. The petitioner was declared successful and the name of the petitioner appeared at serial no.7 in the select list, dated 15.1.2016. It is stated that the selection order states that the petitioner would not be appointed unless he submits the caste

validity certificate within a period of three months. In the circumstances of the case, the petitioner has sought a direction to the respondent no.1 to appoint the petitioner and/or to keep one post of Forest Guard vacant, till the caste claim of the petitioner is decided.

Shri Dhok, the learned Counsel for the petitioner submitted that as per the order of selection, the petitioner is required to tender the caste validity certificate within a period of three months i.e. on or before 15.4.2016. It is stated that it would not be possible for the petitioner to secure a caste validity certificate within such a short time from the respondent – Scrutiny Committee. It is stated that in almost similar set of facts this Court had directed the Scrutiny Committee to decide the caste claim of the petitioner in Writ Petition No.5020/2015 within a period of four months and had further directed the Forest Department to keep one post of Forest Guard vacant, till the caste claim of the petitioner in the said petition is decided. It is stated that a similar order may be passed in this case also.

Shri Bangadkar, the learned Assistant Government Pleader appearing on behalf of the respondent – Scrutiny Committee does not dispute that the issue involved in this case is also involved in Writ Petition No.5020/2015 and this Court had by an order dated 7.9.2015 directed the respondent – Forest Department to keep one post of Forest Guard vacant, till the tribe claim of the petitioner in that case was decided. It is stated that an appropriate order may be passed in this case also.

Hence, for the reasons recorded in the order dated 7.9.2015 in Writ Petition No.5020/2015, we partly allow this writ

petition. The Scrutiny Committee is directed to decide the caste claim of the petitioner as early as possible and positively within a period of six months from the date of appearance of the petitioner before the Scrutiny Committee. The petitioner undertakes to appear before the Scrutiny Committee on 25.04.2016 so that the issuance of notice to the petitioner could be dispensed with. On parity, we direct the respondent nos.1 to 3 to keep one post of Forest Guard vacant, till the caste claim of the petitioner is decided by the Scrutiny Committee. The respondent nos.1 to 3 are directed to consider appointing the petitioner on the post of Forest guard, if his caste claim is validated.

Order accordingly. No costs.

JUDGE

JUDGE

Wadkar