

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

WRIT PETITION NO.6088/2016

Ku. Nalini d/o Ramesh Hedao

...Versus...

Maharashtra Public Service Commission, through its Chairman, Mumbai 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 A.M. Sudame, Advocate for petitioner
Shri A.A. Madiwale, AGP for respondents

**CORAM : SMT. VASANTI A NAIK AND
MRS. SWAPNA JOSHI, JJ.**

DATE : 24.11.2016

By this petition, the petitioner seeks a declaration that the petitioner is entitled to be appointed as an Assistant Professor in Rasashastra in Maharashtra Ayurvedic Service Group – B, on a post reserved for the Scheduled Tribes.

According to the petitioner, after the petitioner was selected for appointment on the post of Assistant Professor in Rasashastra and the petitioner submitted the caste validity certificate, the Scrutiny Committee wrongly informed the respondent – employer that though the High Court had directed the grant of validity certificate in favour of the petitioner, the matter was pending in the Hon'ble Supreme Court. It is stated that in view of the wrong opinion of the Scrutiny Committee, the petitioner was not appointed on the said post and the writ petition was filed.

Shri Sudame, the learned Counsel for the petitioner states that during the pendency of this writ petition, this Court directed the State Government to take necessary decision on the proposal pertaining to the appointment of the petitioner as an Assistant Professor in Rasashastra and in view of the said order, the respondent has appointed the petitioner on the post of Assistant Professor, Rasashastra, as the petitioner possesses a caste validity certificate and the Special Leave Petition was dismissed even before the petitioner applied for the said post. It is stated that the conduct of the Scrutiny Committee needs to be deprecated, as without verification, the Scrutiny Committee has wrongly informed the respondent – employer that the matter pertaining to the grant of validity certificate to the petitioner was still pending before the Hon'ble Supreme Court.

Shri Madiwale, the learned Assistant Government Pleader appearing for the respondents states that the Scrutiny Committee has mistakenly informed the respondent no.2 about the pendency of the Special Leave Petition before the Hon'ble Supreme Court by considering the number of some other Special Leave Petition. It is stated that the Scrutiny Committee has apologized for its mistake. It is stated that since the petitioner is now appointed on the post of Assistant Professor of Rasashastra, the grievance of the petitioner should stand redressed.

In the aforesaid set of facts, since the petitioner is appointed on the post of Assistant Professor of Rasashastra after the misunderstanding was cleared, it would be necessary to dispose of the writ petition.

As the grievance of the petitioner stands redressed on her appointment, we dispose of the writ petition with no order as to costs. While disposing of the writ petition, we warn the Scrutiny Committee to be more careful while tendering its opinion, in future.

Order accordingly.

JUDGE

JUDGE

Wadkar