

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 12232 OF 2015

Vinod Chindhu Thakur

..Petitioner

Vs.

State of Maharashtra and Others

..Respondents

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

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

Mr. G. S. Hegde a/w Ms. P. M. Bhanushali i/b G. S. Hegde and Associates, for Respondent Nos.3 and 4.

CORAM :- **S.C. DHARMADHIKARI &
B.P.COLABAWALLA, JJ.**

DATE :- **FEBRUARY 10, 2017.**

P. C.:

The Petitioner was employed by the Maharashtra State Road Transport Corporation. The appointment of the Petitioner is against the reserved post. The Petitioner relies upon a certificate which was issued to him by the competent authority stating that the Petitioner belongs to Thakur

Schedule Tribe. The Petitioner having been employed by the Corporation which is a Government of Maharashtra Undertaking, the said caste validity certificate was insisted by the employer. That is how the caste certificate was forwarded for verification and scrutiny of the competent scrutiny committee. The competent scrutiny committee is not deciding the matter though the caste certificate has been forwarded well in advance. For a period of two years and more there is a complete inaction by the committee. It is in these circumstances that the Petitioner apprehended firstly his termination from services for failure to furnish the caste validity certificate within the stipulated time and now feels threatened that his job will be taken away and in that regard reliance is placed upon a communication dated 17th January, 2017 addressed to the Petitioner by the Divisional Controller of the Corporation having his office at Ratnagiri.

2 That is how the Petition was circulated before us and on the earlier occasion we orally directed the advocates to take instructions. The Respondents have fairly stated that

in the teeth of the order dated 8th December, 2015 protecting the services of the Petitioner, the communication dated 17th January, 2017 could not have been issued. Mr. Hegde appearing on behalf of Respondent Nos.3 and 4 found it difficult to support this action. In such circumstances, we quash and set aside this communication and direct that the Petitioner's services shall not be terminated till the caste validity certificate is issued by the competent committee. We direct the Schedule Tribe Certificate Scrutiny Committee, Nandurbar to verify and scrutinize the tribe claim of the Petitioner and pass the requisite orders on/before 30th April, 2017.

3 This order is passed because Mr. Mendadkar and Mr. Hedge state that the Petitioner is retiring on attaining the age of superannuation from the services of the Corporation on 30th June, 2017. We clarify that no action in pursuance of the show cause notice issued and copy of which is at page 13 of the paper book should be taken as well. However, while disposing off the Petition with this direction,

we clarify that we have not expressed any opinion on the contentions as far as merits are concerned. Untill the decision of the scrutiny committee, the Petitioner will not be terminated and for a period of two weeks thereafter, in the event it is adverse to him.

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