

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION NO. 13430 OF 2017

Sachin Umaji Chavan	}	Petitioner
versus		
State of Maharashtra	}	
and Ors.	}	Respondents

Mr. Chintamani Bhangoji i/b. Mr. R. K.
Mendadkar for the petitioner.

Mr. B. V. Samant-AGP for State.

**CORAM :- S. C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.**

DATED :- DECEMBER 6, 2017

P.C. :-

1. The petitioner has been served with a letter/communication by the employer that in the absence of production of caste validity certificate within a period of 10 days from the date of receipt of the communication dated 27th November, 2017 or before 7th December, 2017, he would be terminated.

2. The petitioner joined the services of the Sub-Divisional Officer, Bhore Division, Bhore. He is working as Talathi since 1st February, 1990. He was appointed against a post reserved for Scheduled Caste/Scheduled Tribe. The petitioner claims that he belongs to Hindu Thakur Scheduled Tribe. He produced the tribe

certificate. That tribe certificate was forwarded for verification and scrutiny by the competent scrutiny committee on 30th July, 2013, but the committee has not yet disposed of the matter.

3. The petitioner has specifically urged that several personal visits and inquiries by him and his family members revealed that the claim is still pending. It is in these circumstances, we inquired from the respondents in the morning session, particularly the learned AGP as to when this scrutiny and verification would be completed. Mr. Samant-AGP sought time and the matter was posted after recess.

4. On second call, Mr. Samant informs us that the petitioner's certificate has been forwarded for vigilance inquiry in terms of the provisions of the Maharashtra Act 23 of 2001 and as soon as the report is available, the committee will conclude the proceedings. The committee is seeking six months' time for the said purpose.

5. In the light of the above statement, we dispose of the writ petition with a direction to the scrutiny committee to conclude the process in terms of the applicable law within a period of six months from the date of communication of this order. Till the committee concludes the proceedings and passes an order, the

services of the petitioner shall not be terminated. In the event the order is adverse to the petitioner, then, the petitioner's services shall not be terminated for a period of four weeks from the date of the communication of the adverse order.

6. With the aforesaid directions, the writ petition is disposed of. We clarify that we have expressed no opinion on the petitioner's claim. We direct that no equities can be claimed by the petitioner and all consequences under the Maharashtra Act 23 of 2001 and the judgment of the Hon'ble Supreme Court of India in the case of *Food Corporation of India vs. Jagdish Balaram Bahira*¹ shall follow.

(SMT. BHARATI H. DANGRE, J.)

(S.C.DHARMADHIKARI, J.)

¹ (2017) 8 SCC 670