

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO.313 OF 2019

**ANANDA GANGARAM SURYAWANSHI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr. S.C.Yeramwar, Advocate for the petitioner
Mrs. R.P.Gour, AGP for the respondent/State

**CORAM : PRASANNA B. VARALE
& S.M.GAVHANE, JJ.**

DATED : 09.01.2019

P.C. :-

1. Heard learned counsel for the petitioner.
2. The petitioner has raised a limited grievance before this Court, namely, delay in decision by respondent No.2 Committee on the claim of validation before the Committee. The learned counsel for the petitioner submitted that as the petitioner was possessing requisite qualifications, he was appointed in the services of respondent No.3 as an Attendant on a reserved post. The learned counsel further submitted that the petitioner submitted his claim for validation before the Committee way back in the year 2013. The copy of the affidavit alongwith the application and family tree is also placed on record at Exh.I.
3. The learned counsel for the petitioner further by inviting our attention to documents placed on record at Exh.J submitted that respondent No.3 also forwarded communication to the respondent No.2 Committee informing

the Committee that the petitioner would get retired on 31.07.2018 on superannuation. As such the exercise of validation of the caste claim of the petitioner be undertaken expeditiously. The learned counsel submits that in spite of his communication and in spite of repeated requests to the Committee. The claim of the petitioner is still pending before the Committee for decision and on the other hand the petitioner is faced with communications issued by respondent No.3. It is the case of the petitioner that, if the petitioner fails to submit the validity certificate, the respondent authority may initiate action against the petitioner. Thus, the counsel prays for direction to the Committee for early decision of the claim.

4. Learned counsel for the petitioner further submitted that though the respondent authorities are duty bound to grant provisional pension to the petitioner, even that benefit is not granted to the petitioner, only on the ground that the petitioner failed to submit the validity certificate.

5. Considering the submissions of the learned counsel, in our opinion, the petition itself can be disposed of with direction to respondent No.2 Committee to decide the claim of the petitioner expeditiously and not later than 12 weeks from the date of order of this Court. In so far as the other grievance raised by the petitioner that there is nothing on record that the petitioner apprised the authorities taking his claim for provisional pension. If the petitioner undertakes this

exercise by approaching the authority with representation or request application and if such an application or representation is received to the respondent authorities and more particularly the respondent No.3 to take appropriate action on the application, needless to state, on the merits of the application or representation.

6. With these directions the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]