

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

WRIT PETITION NO.1803 OF 2019

**SAWAN SHAMRAO GAWALI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Pratap V. Jadhavar, Advocate for the petitioner
Mr.K.N.Lokhande, AGP for the respondents/State

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

DATED : 08.02.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. Considering the grounds raised in the petition and grievance reflected on perusal of the documents, we are of the opinion that the petition can be disposed of at the admission stage with directions.

3. The petitioner entered in the service of respondent No.3 as Kshetra Karmachari class-D. It is stated in the petition that the application was submitted by the petitioner for the post of Kshetra Karmachari and the petitioner is belonging to scheduled tribe reserved category. It is further

submitted that after due selection the petitioner was appointed in February-2018 and joined services. Copy of the caste certificate issued in favour of the petitioner by the Sub-Divisional Officer, Jalna dated 18.10.2012 placed on record alongwith appointment order dated 09.02.2018. There is covering letter whereby the claim for validation was forwarded to the competent Scrutiny committee. This communication is dated 18.05.2018 and there is also copy of the claim submitted to the Committee accepted by the Committee having outward No.4690/2018. This document is of 23.05.2018. Learned counsel submitted that since then the claim is pending before the competent Scrutiny Committee and the petitioner is hopeful of a positive decision as the petitioner is possessing the necessary documents to support the claim of the petitioner in the form of school leaving certificate and validity certificate issued in favour of the near relative of the petitioner.

4. Learned counsel then invited our attention to the notice dated 11.01.2019 submitted that the petitioner is faced with coercive action against his service for failure of submission of the validity

certificate. Learned counsel then submitted that the delay in deciding the claim is on the part of the Scrutiny Committee but the sufferer would be the petitioner. Thus, learned counsel for the petitioner prayed for direction to the Committee and protection to his service.

5. On perusal of the documents placed on record, we are of the opinion that the learned counsel for the petitioner made out the case, the petition is thus partly allowed with direction to respondent No.2 Committee to decide the claim of the petitioner, as expeditiously as possible, and not later than 12 weeks from the date of order of this Court.

6. By way of further direction, we direct respondent Nos. 1 and 3 not to take any adverse action against the petitioner in furtherance to the order dated 11.01.2019 till the decision of the competent Scrutiny Committee. On the decision respondents are at liberty to take appropriate action.

(4)

wp1803.19

7. With this direction, the petition is disposed of.

[S.M.GAVHANE, J.]

[PRASANNA B. VARALE, J.]