

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2275 OF 2019

Pushpa Baburao Thakur Petitioner
Vs.
State of Maharashtra & Others Respondents

Mr. R.K. Mendadkar for the Petitioner.
Mr. S.B. Kalel, AGP, for Respondent Nos.1 & 2.

CORAM: S.C. DHARMADHIKARI &
M.S. KARNIK, JJ.

DATE : FEBRUARY 22, 2019

P.C:

1. Having heard both sides, we find that on 24-5-2011 the claim of the petitioner has been forwarded to the Scrutiny Committee at Nandurbar.

2. Mr. Kalel, who is appearing on behalf of respondent Nos.1 & 2, says that he will ascertain from the Committee as to when the Committee will dispose of the proceedings pending before it.

3. We do not think that we should indulge the learned AGP and grant him time, for we have repeatedly seen that the Committee does not perform its functions even within a reasonable time. There is no reason why this Committee should not have passed an order when the proceedings are pending before it for more than 7 years. On the earlier occasion this Bench has ensured that the Committees are provided with infrastructure and staff. Still, we find that it does not want to dispose of the pending proceedings and it only awaits orders and directions from the higher Court. It is only such matters which are taken up and disposed of. The rest of them remain pending.

4. It is on account of the approach of this Committee that everybody comes to this Court, either at its Principal Seat or Benches and prays for an out of turn hearing, otherwise a coercive action is awaiting them. In the circumstances, we find that this is one more instance where the Committee has delayed the proceedings and is acting unreasonably.

5. Let the 3rd respondent, therefore, not terminate the services of the petitioner only on the ground that the petitioner has failed to produce the Caste/Tribe Validity Certificate from the 2nd respondent. The Committee should endeavour and dispose of the proceedings as expeditiously as possible and in any event, within a period of four months from today, if not already disposed of.

6. With the above observations and direction, the petition is disposed of.

(M.S. KARNIK, J.)

(S.C. DHARMADHIKARI, J.)