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

WRIT PETITION NO.2452 OF 2019

Rajusingh Vijaysingh Gaud]
R/at Vikas Nagar (Sangam Nagar),]
Post Krushnagar Satara]Petitioner

V/s

1] The Member and Secretary of]
Caste Scrutiny Committee,]
Solapur, Division Solapur.]
]
2] The Managing Director,]
Maharashtra State Road Transport]
Corporation Ltd., Satara]
]
3] The State of Maharashtra,]
Through the Principal Secretary]
Home (Transport) Department,]
Government of Maharashtra] Respondents.

Mr. Omkar M. Kulkarni, Advocate for the Petitioner.

Mr. P.G. Sawant, AGP for Respondent No.1

Mr. Amit a. Gharote for Respondent No.2.

**CORAM: B. R. GAVAI &
N. J. JAMADAR, JJ.**

DATE: 7th March, 2019

ORAL JUDGMENT: (Per B.R. Gavai, J.)

1] Rule. Rule is made returnable forthwith. Heard finally by consent of parties.

3] Petitioner has approached this Court, seeking direction to Respondent No.1 to decide the caste claim of the Petitioner as expeditiously as possible and within stipulated period since the Petitioner has been issued notice dated 30/11/2018 by Respondent No.2, calling upon him to submit a validity certificate within fifteen days failing which, his services shall be terminated.

4] Petitioner has been appointed as Driver against the post reserved for Scheduled Tribe. Petitioner is claiming to be belonging to Rajput Bhamta Scheduled Tribe. Though, the claim of the Petitioner is pending before the Caste Scrutiny Committee for

considerable period of time, the same has not yet been decided. It is not in the hands of the candidate as to within how much period the Caste Scrutiny Committee would decide the claim of the candidate. However, on account of delay on the part of the Caste Scrutiny Committee in deciding the claim expeditiously, the candidate cannot be penalised.

5] In that view of the matter, we are inclined to allow the Petition in the following terms :-

(i) Respondent No.1 – The Member and Secretary of Caste Scrutiny Committee is directed to decide the claim of the Petitioner as expeditiously as possible and preferably within a period of six months from today.

(ii) Till the decision on the claim of the Petitioner and, in the event, the order adverse to the interest of the Petitioner is passed, for a period of three weeks from the receipt of such communication by the

Petitioner, no coercive steps shall be taken against the Petitioner on the ground of non-submission of the validity certificate.

(iii) Rule is made absolute in the aforesaid terms.

However, there shall be no order as to costs.

(N.J. JAMADAR, J.)

(B. R. GAVAI, J.)