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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.13142 OF 2018

Vikas Ashok Thakur]
Aged 25 years, residing at]
57, Ganesh colony, Sakri Road]
Dhule-424001] Petitioner.

Versus

1] State of Maharashtra through]
its Secretary, Tribal Development Deptt]
Mantralaya, Mumbai 400 032]
]]
2] Scheduled Tribe Certificate]
Scrutiny Committee, Nandurbar]
Division Nandurbar through its]
Member Secretary having its office]
at Sakri Road.]
]]
3] Maharashtra State Electricity]
Transmission Co. Ltd through its]
Chief General Manager (HR)]
Plot No. C-19, Prakashganga, 7th Floor]
Bandra Kurla Complex, Bandra (E)]
400051]Respondents.

Mr. R. K. Mendadkar, Advocate for the Petitioner.

Mrs. R. A. Salunkhe, AGP for Respondent Nos.1 & 2.

Mr. J. M. Pathade, Advocate for Respondent No.3.

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

DATE: 22th JANUARY, 2019

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

1] Rule. Rule is made returnable forthwith. Respondents waive service. Heard by consent of parties.

2] Petitioner has approached this Court in peculiar facts and circumstances. Petitioner came to be appointed as Assistant Engineer with Respondent No.3 against the post reserved for Scheduled Tribe on 25/5/2018. Since the Petitioner claimed to be belonging to Scheduled Tribe, his case was referred to Respondent No.2 – Scrutiny Committee for considering validity of the claim. However, since the claim of the Petitioner was not considered, the Petitioner was issued show cause notice on 27/11/2018, as to why his services should not be terminated for non-submission of the validity certificate. Petitioner submitted his reply thereto. However, by the impugned order, services of the Petitioner came to be terminated.

3] It is not in the hands of the Petitioner as to within how much time, the Scrutiny Committee would decide the claim of the Petitioner. As such, we find that the Petitioner's services came to be terminated on the ground which is beyond the control of the Petitioner.

4] Taking into consideration the peculiar facts of the case, we are inclined to allow the Petition in the following terms :-

(i) The Respondent 2 – Scrutiny Committee is directed to decide the claim of the Petitioner in accordance with law as expeditiously as possible and, in any case, within a period of six months from today.

(ii) The impugned order dated 13/12/2018 is quashed and set aside.

(iii) Petitioner is directed to be reinstated forthwith.

(iv) It is further directed that till Respondent No.2 – Scrutiny Committee decides the claim of the Petitioner and in the event the order passed by Respondent No.2 – Scrutiny Committee is adverse to the interest of the Petitioner, for further period of three weeks from the date of receipt of communication of such order, Petitioner's services shall stand protected.

(v) We further direct that though the Petitioner is directed to be reinstated with immediate effect, he will not be entitled to back-wages for the period for which he was out of employment.

(vi) Rule is made absolute in the aforesaid
terms with no order as to costs.

(N. J. JAMADAR, J.)

(B. R. GAVAI, J.)