

R.M. AMBERKAR
(Private Secretary)

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 9508 OF 2019

Shivdas A. Gaikwad .. Petitioner
Versus
State of Maharashtra & Ors. .. Respondents

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- Mr. R.K. Mendadkar for the Petitioner
 - Mrs. Reena A. Salunkhe, AGP for Respondent Nos. 1 to 3 - State
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**CORAM : UJJAL BHUYAN &
MILIND N. JADHAV, JJ.**

DATE : AUGUST 3, 2020.
(Through Video Conferencing)

PER COURT:

1. Heard learned counsel for the respective parties.
2. Petitioner belongs to Thaker community which is recognized as Scheduled Tribe in the State of Maharashtra. Petitioner is presently serving as Police Sub-Inspector under Commissioner of Police, Pune City i.e respondent No. 3. Petitioner was granted caste certificate by the Competent Authority on 26.7.1982. On the basis of such caste certificate, petitioner was recruited under the reserve category and was appointed to the post of Police Sub-Inspector on 19.3.1986 under respondent No. 3 in which post he is presently serving.

3. According to the petitioner, his promotion to the next higher post of Assistant Police Inspector is now due but has been withheld for want of caste validity certificate. Petitioner has stated that he had submitted an application on 12.3.2013 before respondent No. 2 i.e Scheduled Tribe Caste Certificate Scrutiny Committee, Pune Division for grant of caste validity certificate. Respondent No. 2 has not taken any decision on the said application of the petitioner though more than 7 years have elapsed in the meanwhile.

4. On the ground that petitioner could not furnish caste validity certificate, adverse action is sought to be taken against the petitioner by respondent No. 3.

5. Hence the writ petition.

6. Learned counsel for the petitioner submits that no adverse action should be taken against the petitioner for non-furnishing of caste validity certificate by respondent No. 2 as he has no control over functioning of respondent No. 2. Petitioner had submitted application before respondent No. 2 way back on 12.03.2013 for caste validity certificate but respondent No. 2 is sitting over the same. For inaction of respondent No. 2, petitioner should not be penalized.

7. Learned AGP submits on instructions that within a period of four months, respondent No. 2 will take a decision in the matter.

8. Having heard learned counsel for the parties and on due consideration, we direct respondent No. 2 to take a decision on the application of the petitioner dated 12.3.2013 for grant of caste validity certificate within a period of four months from the date of receipt of a copy of this order. Needless to say respondent No. 2 shall afford due opportunity of hearing to the petitioner while deciding his application.

9. Till decision is taken by respondent No. 2 as above, no prejudicial action shall be taken by respondent No. 3 against the petitioner.

10. With the above direction, Writ Petition is disposed of.

11. This order will be digitally signed by the Private Secretary of this Court. All concerned to act on production by fax or email of a digitally signed copy of this order.

[MILIND N. JADHAV, J.]

[UJJAL BHUYAN, J.]