

JPP

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

WRIT PETITION NO. 538 OF 2016

Prakash Tanaji Ahire

... Petitioner

V/s.

State of Maharashtra and Ors.

... Respondents

Mr. R.K. Mendadkar for the Petitioner

Mr. A.I. Patel, GP a/w. Ms. R.M. Shinde, AGP for the State

***CORAM : NITIN JAMDAR &
M.S. KARNIK, JJ.***

DATE : 5 FEBRUARY 2020.

P.C. :-

Heard learned Counsel for the parties.

2. Leave to amend to add Scheduled Tribe Scrutiny Committee, Nashik as party Respondent No.4. Amendment to be carried out forthwith.

3. The Petitioner has challenged the order passed by the Maharashtra Administrative Tribunal dated 17 March 2015

rejecting the original application questioning the order passed by the Respondents rejecting the benefit of Assured Career Probation Scheme on the ground that the Petitioner did not produce caste validity certificate. In the impugned order of the Tribunal, there is also a reference to the another original application filed by the Petitioner. It is also stated in the order that the Petitioner has retired in the year 2012.

4. Considering the facts and circumstances of the case, we find it appropriate that the proceedings which are pending before the Scrutiny Committee, Nashik be disposed of within a time bound manner. The Caste Certificate of the Petitioner was referred to the Respondent – Scrutiny Committee on 22 October 2004. Though the Petitioner could have approached this Court earlier seeking a direction for expeditious disposal of the proceedings before the Scrutiny Committee, since the Petitioner has now retired on superannuation and that the benefits have not been given to the Petitioner on the ground he did not produce the validity certificate, the Petitioner is entitled to the direction of early disposal of the proceedings before the Scrutiny Committee. Depending on the outcome thereof, the Petitioner can apply to the Respondent – State for the benefits which were denied to the Petitioner for production of the validity certificate, which representation can be considered by the Respondents as per law.

5. In the circumstances, we dispose of this Writ Petition directing the Respondent No.4 - the Divisional Scrutiny Committee, Nashik to decide the proceedings pertaining to the Petitioner within a period of six months from today. Depending on the outcome of the said proceedings, liberty to the Petitioner to make a representation to the Respondent – State which representation be decided as per law.

M.S. KARNIK, J.

NITIN JAMDAR, J.

**Jyoti P.
Pawar**

Digitally signed
by Jyoti P.
Pawar
Date:
2020.02.12
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