

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

906 WRIT PETITION NO.3216 OF 2021

SHANKAR MANOHAR CHATE
VERSUS
THE STATE OF MAHARASHTRA THRU ITS SECRETARY AND OTHERS

...
Advocate for the Petitioner : Shri P. V. Jadhavar
AGP for Respondents – State : Shri A. R. Kale
...

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.**

DATE : 23rd FEBRUARY, 2021

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PER COURT :

1. Mr. Jadhavar, the learned Advocate submits that the proposal seeking validation of the caste claim of the petitioner was forwarded by the employer in the year 2008 with the Aurangabad Scrutiny Committee. The proposal is not yet decided. The employer has issued notice directing the petitioner to produce validity certificate or else adverse action would be taken.

2. Mr. Kale, the learned AGP appears for respondents and submits that the proposal was submitted by the petitioner with the Aurangabad Scrutiny Committee. Thereafter, upon the constitution of the Scrutiny Committee at Parbhani, the matter within the jurisdiction of Parbhani Scrutiny Committee were transferred. However, the file of

the petitioner was not transferred. The learned AGP, on instructions, submits that the file of the petitioner appears to have been misplaced at Aurangabad Scrutiny Committee.

3. In that event, the file will have to be reconstructed. The petitioner shall submit the photo copy of the caste certificate issued to him to the Committee at Aurangabad along with all the documents relied by the petitioner within a period of two weeks from today.

4. On receipt of the photo copy of the caste certificate and all other documents, the Scrutiny Committee at Aurangabad shall forward the same to the Parbhani Scrutiny Committee within a period of two weeks thereafter.

5. On receipt of the proposal the Scrutiny Committee at Parbhani shall decide the validation proceedings preferably within a period of six months.

6. The petitioner shall co-operate in expeditious disposal of the said proceedings.

7. As the original file is misplaced certainly the original caste certificate may not be available. As such the Scrutiny Committee

shall decide the said proceedings on the basis of copy of the caste certificate submitted by the petitioner. The copy of such tribe certificate is placed at page 9 of the present Writ Petition.

8. The impugned order is set aside.

9. The employer may not take adverse action against the petitioner only on the ground that the validity certificate is not submitted. The employer may take further course of action depending upon the judgment that would be delivered by the Scrutiny Committee in the validation proceedings.

10. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S. V. GANGAPURWALA, J.)

shp/-