

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

1034 WRIT PETITION NO.12476 OF 2021

JAYANT BHARAT SHIRSATH
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...
Advocate for Petitioner : Mr. S.R. Barlinge
AGP for Respondents 1 to 4 : Mr. P.S. Patil
...

**CORAM : S.V. GANGAPURWALA &
R.N. LADDHA, JJ.**
DATED : 23/11/2021.

PER COURT :

. Mr. Barlinge, learned counsel for the petitioner submits that since the year 2007 the validation proceeding is pending. It has not been decided. The petitioner approached this Court. This Court directed the Committee to decide the same within 9 months. The same was not decided, however, in May 2021 directions were given to the petitioner by the Committee to submit the caste certificate in form 'C'. The same is also submitted in October, 2021. According to the learned counsel, the petitioner is due for promotion to post of 'Police Inspector'. The petitioner was promoted to the post of Assistant Police Inspector after the order was passed by the Maharashtra Administrative Tribunal. The learned counsel submits that the Division Bench of this Court in Writ Petition No. 2136/2011 and other

connected writ petitions decided under judgment dated 25th August, 2011 had held that clause 7 of the Government Resolution requiring to produce the validity certificate before the appointment, though the candidate is selected from the reserved post is totally unreasonable. The learned counsel submits that the petitioner be considered for the promotional post of Police Inspector provisionally.

2. Mr. Patil, learned AGP submits that the petitioner has submitted the caste certificate in form 'C' in October 2021. Earlier the validation proceedings were disposed of and liberty was granted to the petitioner to submit the certificate in form 'C'. The same is submitted in October 2021. The Committee be directed to decide the proceeding within three months. According to the learned counsel, the meeting of Departmental Promotion Committee is to be held on 24.11.2021. There are 759 posts of Police Inspector vacant.

3. We have considered the submissions.

4. It appears that the validation proceedings were pending since the year 2007. In May 2021, the Committee has disposed of the tribe claim of the petitioner on the ground that the caste certificate is

not in form 'C'. In so many cases, the Committee after a long slumber has rejected the validation proceeding on the ground that caste certificate is not in proper form. In fact the Committee while accepting the proposal should scrutinize the certificate being issued in proper form, so that, further delay can be avoided. In the present case as per the facts demonstrated on record, after about 14 years, the Committee has directed the petitioner to submit the caste certificate in proper Form 'C'.

5. We direct the Committee in all matters presented before it that when the proposal is being filed, the Committee should verify the caste certificate being submitted in proper form so that the further delay would be avoided.

6. The petitioner may appear before the Committee on 9th December 2021. The Committee shall thereafter dispose of the proceeding within six months. The petitioner shall cooperate in expeditious disposal of the proceeding.

7. The petitioner was considered for the promotion to the post of Assistant Police Inspector under the order of Maharashtra

Administrative Tribunal though the validation proceedings were pending and the petitioner was promoted as Assistant Police Inspector. The Departmental Promotion Committee may consider the case of the petitioner for provisional promotion only to the post of Police Inspector ofcourse if the petitioner is otherwise eligible and the same shall be the subject to the decision that would be delivered by the Committee in Validation proceeding. The respondent employer shall take steps depending upon the judgment that would be delivered by the Committee in validation proceeding.

8. The writ petition is disposed of. No costs.

[R.N. LADDHA, J.]

[S.V. GANGAPURWALA, J.]

ssc/