

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL WRIT PETITION NO. 2730 OF 2021

Vijay Vitthal Panhalkar ... Petitioner

V/s.

Union of India and Ors. ... Respondents

Mr. Sushant C. Yeramwar for the Petitioner.

Mr. V.M. Mali- AGP for the respondents/State.

**CORAM : SMT. SADHANA S. JADHAV &
SURENDRA P. TAVADE, JJ.**

DATED : JULY 14, 2021.

PC. :

. Heard. Rule. Rule made returnable with the consent of the parties.

2. The petitioner herein was working in the Ministry of Defence and was appointed as a labourer-B Grade vide judgment and order dated 7th February 1985. He was given service from the reserved category subsequently he was promoted as Danger Building Worker, B-Grade from the same category. However, on 19th December 2013 the respondent no.3 had directed the petitioner to submit caste validity certificate for the purpose of continuation in service. The petitioner at that moment did not have requisite documents to submit a proposal for verification of his tribe claim to the Committee.

3. The petitioner has submitted on-line proposal on 22nd August 2020. The request of the petitioner to give a recommendation for submission of proposal was denied by the respondent no.3. The Scrutiny Committee i.e. the respondent nos. 2 had refused to accept the proposal since the proposal is not supported by a recommendation letter of the employer.

4. The learned counsel for the petitioner has placed reliance upon the orders passed by the Aurangabad bench in Writ Petition No. 14313 of 2017 and Writ Petition No. 406 of 2020, wherein in similar circumstances the Court has held that there is no bar to any person for submitting a proposal for verification of his caste claim. It is incumbent upon the committee to accept the proposal for verification of the caste certificate. The only pre-requisite is that it should be submitted along with all the required documents necessary for the purpose of verification and the committee cannot make it mandatory to insist, that the proposal be supported by a recommendation of the employer. Hence the scrutiny Committee is hereby directed to accept the proposal filed by the petitioner and consider the same at the earliest. The scrutiny committee shall accept the proposal provided, it is filed in a proper format.

5. The learned counsel for the petitioner submits that the petitioner is to retire on superannuation in October 2022. In view of this, the Scrutiny Committee, shall, in any case, decide the caste claim of the petitioner within four months from the date of filing of the proposal.

6. Rule is discharged. Writ Petition stands disposed in above terms.

7. This Court has not considered the issue of termination of the petitioner and hence all contentions in respect of challenge to the termination are kept open.

(SURENDRA P. TAVADE, J)

(SMT. SADHANA S. JADHAV, J)