

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

WRIT PETITION NO.3674 OF 2022

Kripali Kaushik Bangar Petitioner
Vs.
The State of Maharashtra & Ors. Respondents

Mr. Sandeep Dere for the Petitioner.
Mr. Om Suryawanshi for Respondent No.3-MCGM.
Mr. V. M. Mali, AGP for the Respondent-State.

**CORAM: S. B. SHUKRE &
G. A. SANAP, JJ.**

DATED : 30 MARCH 2022.

P. C.

Heard learned counsel for the petitioner, learned counsel for respondent No.3 and learned AGP for respondent Nos.1 and 4, who appears by waiving service. Since the grievance is only regarding non issuance of certificate by respondent Nos.1 and 4. No notice is being issued to Respondent Nos.2 and 3.

2. Rule. Rule is made returnable forthwith by consent of learned counsel for the parties.

3. After filing of this petition, as informed by learned AGP, respondent No.4 has rejected the application of petitioner for issuance of certificate.

4. According to learned counsel for respondent No.3, experience certificate could not be issued in the prescribed format required by MPSC as there are several columns which could not be satisfactorily answered and filled up. His doubt is about paragraph Nos.4 and 8 of the format of experience certificate. Paragraph 4 requires the employer to record some facts in respect of pendency or non pendency of disciplinary vigilance inquiry and also give his opinion about integrity of the employee. In our opinion, this paragraph can be suitably filled up on the basis of information possessed by the employer but just because the employer has a doubt as to the manner in which the information has to be supplied in response to paragraph No.4, the employer cannot hold back the experience certificate when it is an admitted fact that the employee has rendered continuous service. Same would also apply to information required to be stated in paragraph no.8. In respect of paragraph No.8, the employer can simply indicate that the occasion does not arise as the petitioner's services have already been terminated.

5. In the present case, we find that the petitioner has rendered service as a government servant from 9/6/2014 till 14/8/2019 and thereafter his services came to be terminated and therefore, for the period from 9/6/2014 till 14/8/2019 the employer is obliged to issue experience certificate subject to observations made herein above.

6. We direct Respondent Nos.1 and 4 to issue experience

certificate to the petitioner keeping in view the observations made herein above. Meanwhile, we also permit the petitioner to provisionally take part in the selection process subject to the petitioner submitting the experience certificate and fulfilling all the requisite criteria and all other applicable terms and conditions of the selection process. The experience certificate be issued to the petitioner within three days from the date of receipt of a copy of the order. Parties to act on authenticated copy of the order.

7. The Petition is disposed of accordingly.

(G. A. SANAP, J.)

(S. B. SHUKRE, J.)