

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

WRIT PETITION NO. 14784 OF 2022

Girish Krushnakant Navkhande Petitioner

Vs.

State of Maharashtra & Ors. Respondents

Mr. R. K. Mendadkar for the Petitioner

Mr. P. P. Kakade, GP a/w. Mr. R. P. Kadam, AGP for Respondent Nos.1 and 2

Mr. R. V. Govilkar a/w. Carina Xavier for Respondent No.3

**CORAM: S.V.GANGAPURWALA, ACJ &
S.G.CHAPALGAONKAR, J.**

DATED : DECEMBER 13, 2022

P.C.

1 We have heard the learned Counsel for the Petitioner, the learned AGP for the State and learned Counsel for Respondent No.3.

2 The Petitioner is employed with Bhabha Atomic Research Center. Notice is issued to the Petitioner asking the Petitioner to submit a validity certificate on or before 12th December 2022, else, the services would be terminated from 13th December 2022.

3 It is submitted that the proceedings before the Scrutiny Committee for issuance of the Validity Certificate is pending since October 2022. It is submitted that, earlier, proceedings were filed

before the Committee wherein the Petitioner claimed to belong to Koli Mahadev, Scheduled Tribe. Same was negatived. The Petitioner filed Writ Petition in this Court bearing Writ Petition No.9380/2013. This Court, under order dated 15th November 2017, granted liberty to the Petitioner to obtain Tribe Certificate of Koli Malhar. Subsequently, the Petitioner obtained Tribe Certificate of Koli Malhar in the year 2018.

4 It is submitted by the learned Counsel for the Petitioner that the Petitioner had filed on-line Application but the same was not being accepted. As such, the delay has been caused.

5 We are not ready to accept the version of the Petitioner in that regard. In case, the on-line Application was not being accepted, the Petitioner, immediately, could have come to this Court or filed physical Application. The Petitioner, it appears, was just buying time and only recently in October 2022 the proposal, it seems, has been submitted for validation.

6 Be that as it may, it is stated that the matter of the Petitioner is pending for the vigilance before the Scrutiny Committee.

7 Considering that the matter is *sub judice* before the Scrutiny Committee, we pass the following order:

- a. The impugned communication dated 3rd October 2022 is set aside.
- b. The Petitioner shall appear before the Committee on 11th January 2023 and shall appear on all further dates that would be given by the Committee.
- c. The Committee shall endeavour to decide the proceedings, expeditiously and preferably within three months from the date of appearance of the Petitioner.
- d. Depending upon the judgment delivered by the Scrutiny Committee, the Respondent - employer may take further course of action against the Petitioner.
- e. The Writ Petition is disposed of. No costs.

(S.G.CHAPALGAONKAR, J)

(ACTING CHIEF JUSTICE)