

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

WRIT PETITION NO.11144 OF 2023

**ABHILASH CHANDRAKANT BUDHWARE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
PRINCIPAL SECRETARY AND ANOTHER**

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Advocate for the Petitioner : Shri S.S. Thombre
AGP for Respondents 1 and 3/State : Shri S.K. Tambe
Advocate for Respondent 2 : Shri A.M. Gaikwad

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**CORAM : RAVINDRA V. GHUGE
&
Y. G. KHOBRAGADE, JJ.**

DATE :- 11th September, 2023

Per Court :-

1. Leave to add the competent Scrutiny Committee as Respondent No.3 and add necessary prayer that the Committee be directed to decide the tribe claim of the Petitioner within a stipulated period. Addition be carried out forthwith.

2. We have heard the learned Advocates for the respective sides and perused the affidavit in reply filed on behalf of Respondent No.2, dated 11.09.2023.

3. Taking into account the admitted facts, we are not required to advert to the entire submissions of the litigating parties. Suffice it to say that the Petitioner has received the

appointment order dated 17.07.2023. Since his claim of belonging to “Koli Mahadev-29”, Scheduled Tribe category is pending since 2012 and the learned AGP submits, on instructions, that the claim is at the stage of conducting a vigilance cell enquiry, that the Petitioner has an opportunity to join the Induction Training Programme with Respondent No.2, considering the terms of the appointment order.

4. There is no doubt that the Petitioner has ignored his pending claim, which was tendered for invalidation in 2012 when he was in the 12th standard. The College had forwarded the proposal. The Petitioner is now 27 years old adult. He has received the appointment order dated 17.07.2023. In the interest of justice and to balance the equities, the Petitioner could be permitted to participate in the Induction Training Programme on the condition that he will render wholehearted cooperation to the Scrutiny Committee for the expeditious decision in his tribe claim proceedings.

5. In view of the above, **this Writ Petition is partly allowed** with the following directions:-

(a) Respondent No.2/Company would permit the Petitioner to participate in the Induction Training Programme.

(b) Loss of number of days, as the programme has commenced on 28.08.2023, would be calculated by Respondent No.2/Company and that would be added as an extension only in the case of the Petitioner so as to enable him to complete 45 days of training.

(c) The Petitioner shall refrain from seeking adjournments in the pending proceedings before the competent Scrutiny Committee and would render wholehearted cooperation. If adjournments are sought on unreasonable grounds, the Committee would be justified in progressing to the next stage in the proceedings.

(d) In the light of the Government Resolution dated 12.12.2011 and in the light of the appointment order dated 17.07.2023, we direct the Committee to complete the validation proceedings within 180 days from today.

(e) After completion of the Induction Training Programme, since the Petitioner would be joining the employment/ posting, his employment/ posting would be subject to the result of his claim in the validation proceedings.