

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

WRIT PETITION NO.3150 OF 2023

**SAINATH ANKUSHRAO BHUTAPALLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Advocate for the Petitioner : Shri Munde Sambhaji G.
AGP for Respondents 1, 2 and 5/State : Shri V.M. Kagne
Advocate for Respondents 3 and 4 : Shri S.B. Pulkundwar

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**CORAM : RAVINDRA V. GHUGE
&
SANJAY A. DESHMUKH, JJ.**

DATE :- 21st March, 2023

Per Court :-

1. Leave to add the competent Scrutiny Committee at Kinwat, presently at Aurangabad, as Respondent No.5. Addition be carried out forthwith.

2. The Petitioner submits that he has joined employment on 11.06.2014. His proposal for validation of his claim of belonging to the “Mahadev Koli”, Scheduled Tribe category is pending adjudication since 24.11.2020. He, therefore, prays that temporary or provisional promotion may be granted to

him.

3. The learned AGP submits that the vigilance cell enquiry report is already delivered to the Petitioner. He has dodged the hearing before the Committee on almost three to four occasions, the last being on 20.10.2022. It could be only within six weeks that his claim could be decided.

4. We find that the Petitioner is in employment from June, 2014. He has not filed the validity certificate as his proposal was forwarded in November, 2020, after six years of joining employment. Equities could be balanced by directing the Scrutiny Committee to decide the claim of the Petitioner expeditiously, so that the Petitioner can claim promotion, only if his entry in service is legalized.

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

(a) The Petitioner would appear before Respondent No.5/ Committee on 10.04.2023, at 12:00 noon.

(b) The Petitioner would tender his written submissions on the said date and is restrained from seeking any adjournment.

(c) If he fails to cooperate, the committee would be justified in progressing to the next stage in the proceedings.

(d) The Scrutiny Committee would decide his claim on or before 31.05.2023.

kps (SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)