



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17733 OF 2024

Kashinath Shankar Minde

...Petitioner

Versus

State Of Maharashtra

Through It's Ld. Tahsildar And Ors

...Respondents

...

Adv. Manoj Patil a/w kalyani Mangave for the Petitioner.

Adv. P. P. Kakade, Addl. GP a/w Ashwini A. Purav, AGP for Respondent
Nos. 1 to 3.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 19th DECEMBER, 2024

Per Court :-

1. Petitioner has put forth prayer clauses (a) and (b), as under :-

“(a) This Hon’ble Court be pleased to issue writ of certiorari and or any other appropriate writ, order and or direction and to quash and set aside the impugned illegal letter cum order dated 06.09.2024 & 13.09.2024 issued by the Ld. Tahsildar of Trimbakeshwar by declaring that the said impugned order is basically illegal and bad in law.

(b) This Hon’ble Court be pleased to issue writ of mandamus and or any other appropriate writ, order and or direction and to stay the effect, implementation and operation of the impugned illegal letter cum order dt. 06.09.2024 & 13.09.2024 issued by the Ld. Tahsildar of Trimbakeshwar.”

2. We have considered the submissions of the learned Advocate for the Petitioner and the learned Addl. GP on behalf of the State. We *prima facie* noticed that the procedure required to be adopted, was followed while issuing the certification dated 13th April, 2023 to the Petitioner, at page Nos. 42 and 43. Consequentially, a certificate dated 12th February, 2024 was also issued by the same Tahsildar indicating that the Petitioner had worked for 3 years. It is these certificates, which would be the basis for the Petitioner to make an application for employment.

3. However, without issuance of a show cause notice for giving an opportunity of hearing, the same Tahsildar, Trimbakeshwar issued a communication dated 6th September, 2024 addressed to the Assistant Commissioner, District Skill Development Employment and Entrepreneurship Guidance Center Nashik and the Chairman Regional Selection Board cum Chief Conservator of Forest Thane, Thane Region, that the certificate issued to the Petitioner has been cancelled. A consequential information was conveyed by the same Tahsildar to the Sub-Divisional Engineer (Gates), Central Design Organization and Divisional Officer, Nashik Division, about the verification of the certificate issued to the Petitioner and the reasons for quashing the same.

4. The learned Addl. GP submits on instructions that the Tahsildar, Trimbakeshwar is withdrawing the impugned communication dated 6th September, 2024. A notice of hearing would be issued to the Petitioner and after considering his say/submission, a reasoned order would be passed.

5. In view of the above, **this Writ Petition is disposed off** with the observation that the communication dated 6th September, 2024 has lost its efficacy as the same has been withdrawn by Respondent No. 1. Consequentially, the further communication dated 13th September, 2024 stands quashed and set aside. After the Petitioner receives the notice of hearing, liberty to file written notes of submissions.

6. The learned Advocate for the Petitioner submits on instructions that since the Petitioner was short listed for an employment with the government and now, his name has got excluded because of the act of the SDO, the Petitioner desires to approach the learned Maharashtra Administrative Tribunal for reliefs pertaining to the probable employment with the State Government.

7. Needless to state that, we are not required to express any opinion and if the Petitioner approaches the learned Maharashtra Administrative Tribunal, it would be within the realm of the Tribunal's jurisdiction to deal with said Original Application.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)