

(2017) 11 BOM CK 0097
In the Bombay High Court
Case No : 2082 of 2013

Prabhu Devidas Nannaware

APPELLANT

Vs

The Executive Engineer, O&M Circle, MSEDCL, & Ors.

RESPONDENT

Date of Decision : 03-11-2017

Acts Referred:

Citation : (2017) 11 BOM CK 0097

Hon'ble Judges : R. K. Deshpande, M.G.Giratkar

Bench : DIVISION BENCH

Advocate : Priti Rane, A.D.Mohgaonkar, N.S.Rao

Final Decision : Allowed

Judgement

1. In this petition, we find that the exercise of forwarding the caste validity certificate of the petitioner showing that he belongs to Mana - Scheduled Tribe category to the Scrutiny Committee for issuance of validity certificate was futile. The reason being that the petitioner was appointed from open category on compassionate ground, as his father was permitted to take voluntary retirement on medical ground. The petitioner has not been promoted, nor the petitioner has claimed promotion as on this date to the higher post as a candidate belonging to Scheduled Tribe category.

2. Shri Mohgaonkar, the learned counsel appearing for respondent-employer also makes a statement that there is no question of terminating the services of the petitioner for non production of caste validity certificate, as the petitioner was appointed from open category.

3. In view of above, the order passed by the Scrutiny Committee will have to be set aside leaving all the questions open to be decided in future if such occasion arises.

4. In the result, writ petition is allowed. The order dated 08.10.2012 passed by the Scheduled Tribe Certificate Scrutiny Committee, Gadchiroli is hereby quashed

and set aside. The question of validity of the caste certificate produced by the petitioner is kept open to be agitated in case if such occasion arises and needless to say that the order which has already been set aside by this Court shall not come in the way of the parties. Rule is made absolute in these terms. No order as to costs.