

(2018) 01 BOM CK 0234
In the Bombay High Court
Case No : 2487 of 2012

Vijay Shivaji Salunke

APPELLANT

Vs

Scheduled Tribe Certificate & Anr.

RESPONDENT

Date of Decision : 05-01-2018

Acts Referred:

Citation : (2018) 01 BOM CK 0234

Hon'ble Judges : S.V.Gangapurwala, Arun M. Dhavale

Bench : Division Bench

Advocate : S.S.Phatale, R.R.Karpe, G.O.Wattamwar, B.S.Deshmukh

Final Decision : Disposed Of

Judgement

1. Rule. Rule returnable forthwith. With the consent of the parties the petition is taken up for final hearing.

2. The petitioner herein is appointed as a Conductor by the Respondent No.2 on or about 1.11.1989. It is the contention of petitioner that on 30.5.2000, the petitioner is promoted as Traffic Controller and on 9.11.2011, after the petitioner passed Departmental examination for promotion, the petitioner is promoted as Assistant Traffic Inspector. The petitioner was directed to submit the validity certificate having been promoted from reserved category. The

Scrutiny Committee rejected the claim of the petitioner on the ground that the caste certificate obtained by the petitioner from the Tahsildar, Shrirampur, was without jurisdiction.

3. Mr.Phatale, learned counsel submits that the petitioner had obtained the fresh caste certificate from S.D.O., Jalgaon on 20.10.2015 and has submitted proposal to the Committee for validation. In the interregnum, Respondent No.2 issued order of reversion. This Court on 11.5.2012 in C.A.No.4572/2012 granted ad-interim relief in terms of prayer clause B, thereby granting stay to the reversion.

4. Mr.Deshmukh, learned counsel submits that the petitioner having been promoted from reserved category and upon invalidation of his claim, is rightly reverted. No error is caused. Even the said promotion is temporary in nature.

5. We have heard learned A.G.P. also.

6. It is a matter of record that the proposal submitted by the petitioner for verification of his caste claim is rejected only on the ground that the caste certificate is issued by an incompetent authority. From the documents filed on record, it transpires that the petitioner has obtained the caste certificate from SDO, Jalgaon and as contended by the petitioner has submitted fresh proposal for verification of his caste claim. The said proposal is pending with the Committee.

7. In view of the fact that the invalidation of the caste certificate was not on merits and this Court has already protected the petitioner and the implementation of the order of reversion is stayed by this Court way back in May 2012, we feel it expedient to pass the following order :

- a) The order reverting the petitioner is quashed and set aside.
- b) The Respondent Committee shall decide the validation proceedings in respect of the caste claim of the petitioner expeditiously, preferably within nine (9) months. The petitioner shall cooperate in expeditious disposal of the said proceedings. The petitioner shall appear before the Committee on 29.1.2018.
- c) The Respondent No.2 employer can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.
- d) Rule accordingly made absolute in above terms. No costs.
- e) In view of disposal of Writ Petition, the Civil Applications also stand disposed of.