

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATIONS NO.169, 170 & 171 OF 2015**

ORIGINAL APPLICATIONS NO.169 OF 2015

DISTRICT : PUNE

Shri Pradeep Devidas Bhadekar,)
Age 28 years, occ. Nil,)
R/at :At Post Diksal, Tal. Indapur, Dist. Pune)..Applicant

Versus

1. The State of Maharashtra,)
Through Additional Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400032)
2. The Commissioner of Police,)
Solapur City, Solapur)
3. The Director,)
Schedule Tribe Caste Certificate)
Verification Committee, Pune Division,)
28, Queen's Garden, Pune)..Respondents

v=



WITH**ORIGINAL APPLICATIONS NO.170 OF 2015****DISTRICT : PUNE**

Shri Rakesh Sanjay Gawali,)
Age 24 years, occ. Nil,)
R/at :At Post Diksal, Tal. Indapur, Dist. Pune)..Applicant

Versus

1. The State of Maharashtra,)
Through Additional Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400032)
2. The Commandant,)
State Reserve Police Force No.5,)
Daund, District Pune)
3. The Deputy Director (Research) and)
Member Secretary,)
Schedule Tribe Certificate Scrutiny)
Committee, 28, Queen's Garden, Pune)..Respondents

v-



AND

ORIGINAL APPLICATIONS NO.171 OF 2015

DISTRICT : PUNE

Shri Yogesh Machindra More,)
Age 30 years, occ. Nil,)
R/at :At Post Diksal, Tal. Indapur, Dist. Pune)..Applicant

Versus

1. The State of Maharashtra,)
Through Additional Chief Secretary,)
Home Department, Mantralaya,)
Mumbai 400032)
2. The Police Superintendent,)
Pune Rural, District Pune)
3. The Deputy Director (Research) and)
Member Secretary,)
Schedule Tribe Certificate Scrutiny)
Committee, 28, Queen's Garden, Pune)..Respondents



Shri K.R. Jagdale – Advocate for the Applicants

Smt. K.S. Gaikwad with Shri A.J. Chougule – Presenting
Officers for the Respondents

CORAM : Shri Rajiv Agarwal, Vice-Chairman
Shri R.B. Malik, Member (J)
DATE : 27th July, 2016
PER : Shri R.B. Malik, Member (J)


J U D G M E N T

1. Heard Shri K.R. Jagdale, the learned Advocate for the Applicants and Smt. K.S. Gaikwad with Shri A.J. Chougule, the learned Presenting Officers for the Respondents.

2. These three OAs can be disposed off by this common order in view of the almost exact nature of the fact situation.

3. The relief sought in these OAs inter alia are to seek directions for the respondent no.2 to appoint the applicants to the post of Police Constable under Scheduled Tribe category pending the issuance of the caste validity certificate by the respondent no.3.

4. The applicants clear^{ed} all the tests and ultimately in the manner of speaking became eligible for being appointed but




they have not been actually appointed pending verification of their caste validity certificate.

5. Subsequent development however is that in case of all these three applicants the respondent no.3 has invalidated their caste claims and, therefore, now they cannot be immediately appointed. The orders of the respondent no.3 in that behalf came to be made in December 2015 in the first and third OAs and April 2016 in case of the second OA. The applicant in OA No.169/15 has moved the Hon'ble High Court with Writ Petition No.438 of 2016 and the applicant in OA No.170/15 has moved the Hon'ble High Court with Writ Petition St. No.13713 of 2016. Both these writ petitions are pending and no stay order has been made by the Hon'ble High Court therein. The applicant in OA No.171/15 has moved the Hon'ble High Court with Writ Petition No.434 of 2016 and therein a Division Bench of the Hon'ble High Court by its order dated 12.1.2016 made interim order as follows:

"1. Issue notice to the respondents, returnable on 9.2.2016. Learned AGP waives service of notice for and on behalf of the respondents.

2. In view of the Division Bench order dated 6.1.2016 {Writ Petition No.825 of 2014 (Harshal



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Ramsingh Patil v. State of Maharashtra & Ors.)) cited by the learned counsel appearing for the petitioner and the observations of the Supreme Court in para 7 of the order in Anita Atmaram Gaikwad v. State of Maharashtra and Ors. {Civil Appeal No.3881 of 2013 arising out of SLP (C) No.23081 of 2010 (page 117 of the paper book)}, with regard to the relative certificates, at this stage, therefore, to avoid further complications, we are inclined to observe that no coercive steps based upon the impugned order shall be taken till the next hearing.

3. Stand over to 9.2.2016.”

6. Now, as far as applicant in OA No.171 of 2015 is concerned in whose case the Hon'ble High Court was pleased to make interim order even he had not been appointed and therefore as of now no prohibitory order can be made by us.

7. In that view of the matter, therefore, these OAs will really have to be disposed off as more or less infructuous. It needs hardly be stressed that depending upon the final orders on the writ petitions or even interim orders, if any, made by the Hon'ble High Court if the situation changes then a fresh cause of action would become available to the applicants. As this


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position is fairly conceded by both the sides, these OAs are disposed off accordingly.

Sd/-

(R.B. Malik)
Member (J)
27.7.2016

Sd/-

(Rajiv Agarwal)
Vice-Chairman
27.7.2016

Date : 27th July, 2016

Dictation taken by: S.G. Jawalkar.