

**MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI,**  
**BENCH AT AURANGABAD.**

**ORIGINAL APPLICATION NO. 167 OF 2022**

DIST. : PARBHANI

**Pravin Krishnayya Kokande,** )  
 Age. 50 years, Occ. Clerk, )  
 R/o Smruti Niwas, )  
 Near Akshada Mangal Karyalaya, )  
 V.N.M.K.V. Road, Parbhani. ) .. **Applicant**

V E R S U S

1. **The State of Maharashtra,** )  
 Through Additional Chief Secretary, )  
 Revenue & Forest Department, )  
 Mantralaya, Mumbai – 400 032. )
2. **The Divisional Commissioner,** )  
 Aurangabad Division, Aurangabad.)
3. **The Collector,** Parbhani. )
4. **The Assistant Commissioner-cum)**  
**Vice Chairman,** )  
 S.T. Caste Scrutiny Committee, )  
 Aurangabad Division, )  
 Near St. Lawrance High School, )  
 CIDCO Bus Stand, Aurangabad. ) .. **Respondents.**

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 APPEARANCE :- Shri Jiwan J. Patil, Advocate for the  
 applicant.

: Shri V.R. Bhumkar, learned Presenting  
 Officer for the respondent authorities.

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**CORAM** : **Hon'ble Shri Justice P.R. Bora,**  
**Vice Chairman**  
**and**  
**Hon'ble Shri Vinay Kargaonkar,**  
**Member (A)**  
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**DATE : 24<sup>th</sup> July, 2024**  
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**ORAL - ORDER**

*[Per :- Justice P.R. Bora, V.C.]*

1. Heard Shri Jiwan J. Patil, learned counsel for the applicant and Shri V.R. Bhumkar, learned Presenting Officer for respondent authorities.

2. The applicant has been deprived from the promotion to the post of Awal Karkoon on the ground that he has not submitted his caste validity certificate. The applicant belongs to Mahadev Koli. He entered into Government service on 07.11.1996 on the post of Peon. He was appointed on compassionate ground. On 27.12.2002 the applicant was promoted to the post of Clerk and since then he is working on the said post. It is the grievance of the applicant that though he was entitled for further promotion to the post of Awal Karkoon, he has not been given such promotion on the ground that he did not submit the caste validity certificate.

3. Shri Jiwan J. Patil, learned counsel appearing for the applicant submitted that the applicant way-back in the year 2003 i.e. on 24.06.2003 had submitted all relevant documents

to the Collector, Parbhani with a request to forward the same to the Caste Scrutiny Committee for verification of his caste certificate. Learned counsel pointed out that copy of the said letter is placed on record at page 16 of the paper book. Learned counsel submitted that thereafter the follow-up was also made by the Collector Office, Nanded with the Caste Scrutiny Committee, however, till date the Caste Scrutiny Committee has not decided validity of the caste certificate of the applicant. Learned counsel submitted that however on the ground that the Caste validity certificate has not been submitted by the applicant, he cannot be deprived for due promotion. In the circumstances, the applicant has prayed for the reliefs as under:-

*“A) Allow the Original application.*

*B) Hold and declare that the applicant is eligible for promotion and direct the Respondent No.3 to promote the applicant on the post of the Awwal Karkoon with effect from 04/09/2008.*

*C) Further direct the Respondent No.3 to grant all the benefits to the applicant of Awwal Karkoon cadre i.e. salary and seniority from 04/09/2008.*

***INTERIM RELIEFS, IF ANY, PRYED FOR:***

*D) Pending hearing and final disposal of Original Application Respondent No.3 may be directed to promote the applicant on the post of the Awwal Karkoon.*

*E) Grant ad interim relief in terms of prayer Clause (D).*

*F) Grant any other relief to which the applicant is entitled in the interest of justice.”*

4. Respondent nos. 02 and 03 have filed joint affidavit in reply to oppose the contentions raised by the applicant in the Original Application and the prayers made therein. The main ground, which is taken in the affidavit-in-reply of the respondents is that the applicant failed in submitting the caste validity certificate, which he was under an obligation to submit and that is the only reason that he has not been promoted to the next higher post. It is also contended that in the meeting of the DPC also the matter in regard to promotion of the applicant has been discussed and the DPC declined to promote the applicant on the same ground that the applicant did not submit the caste validity certificate. In the midst of his argument, the learned P.O. submitted that the applicant was appointed from Open category. If this be the case of the respondents then we fail to understand as to why the respondents are requiring caste validity certificate from the applicant. This ground is not raised in the affidavit in reply submitted on behalf of the respondents.

5. After having considered the submissions made on behalf of the applicant, as well as, the respondents and after having gone through the documents filed on record, it appears

to us that, very little blame can be put on part of the applicant for the reason that it is beyond his control and capacity to bring the caste validity certificate. The applicant was only under an obligation to submit all the relevant documents, which are required to be forwarded to the Caste Scrutiny Committee for the purpose of caste validity. That has been done by the applicant by submitting application on 24.06.2003 annexing therewith the necessary documents required for verification of his caste claim. Significantly, these facts are not denied by the respondents. Reminder sent by the respondents in that regard is also placed on record.

6. If the proposal of the applicant seeking validity to his caste-certificate is of the year 2003 and till this date if Caste Scrutiny Committee has not decided it, it cannot be said that the applicant is at fault and on that ground his next promotion cannot be withheld, more particularly when the juniors of the applicant are promoted in the meanwhile period.

7. In the circumstances, we find substance in the request made by the applicant that putting certain conditions on the applicant and subject to his caste validity the applicant deserves to be granted promotion of the next higher post. In the result, we pass the following order:-

**ORDER**

(i) Respondents are directed to consider the case of the applicant for his next promotion to the post of Awal Karkoon subject to his caste validity certificate. Respondents may obtain undertaking from the applicant to the effect that in the event his caste is not validated or invalidated by the Caste Scrutiny Committee, he will refund the monetary benefits availed by him of the promotional post to the Government.

(ii) The aforesaid exercise is to be carried out within 08 weeks from the date of this order.

(iii) The Original Application stands allowed in the aforesaid terms, however, without any order as to costs.

**MEMBER (A)**

**VICE CHAIRMAN**

**Place : Aurangabad**

**Date : 24<sup>th</sup> July, 2024**