

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 949 OF 2015

Raju S/o Shankarrao Thakrod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri A. S. Shinde, A.G.P. for the Respondent No. 1.
Shri M. K. Goyanka, Advocate for Respondent Nos. 2 and 3.
Shri K. D. Bade Patil, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.
DATE : 03RD MARCH, 2015.**

PER COURT :

. Mr. Vibhute, the learned counsel submits that, the validation proceedings in respect of tribe claim of the petitioner as belonging to Mannernvarlu (Scheduled Tribe) is pending with the respondent No. 4/Committee.

2. Pursuant to the advertisement issued by the respondent No. 2, the petitioner had applied and is selected for the post of Assistant (Junior) for the respondent No. 3 division from the scheduled tribe category. Even the respondent No. 2 had called the petitioner for document verification. However, the

appointment order is not issued for want of validity certificate. The learned counsel submits that, in view of the Government Resolution dated 12th December, 2011, the respondent Nos. 2 and 3 can issue the appointment order to the petitioner, which can be subject to decision of the committee in validation proceedings.

3. Mr. Bade Patil, the learned counsel for the Committee states that, the proposal has been received by the Committee regarding tribe claim of the petitioner as belonging to Mannervarlu (Scheduled Tribe). The same is pending since the year 2011, however, it would take some time to decide the said validation proceedings.

4. Mr. Goyanka, the learned counsel for respondent Nos. 2 and 3 submits that, as the validity certificate is not submitted, no further steps are taken by respondent Nos. 2 and 3.

5. We have considered the Government Resolution dated 12th December, 2011. Even it is not disputed by respondents that, the validation proceedings in respect of tribe claim of the petitioner is pending since the year 2011. The Government Resolution dated 12th December, 2011 is explicitly clear. In case the petitioner is otherwise eligible, there is no impediment for respondent Nos. 2 and 3 to issue the provisional appointment

order, which would be subject to decision of the Committee in the validation proceedings.

6. In the light of the above, the respondent No. 4/Committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of nine (9) months from today. The petitioner shall co-operate in expeditious disposal of the proceedings. The petitioner may appear before the respondent No. 4/Committee on 16.03.2015.

7. In case there is no legal impediment and the petitioner is eligible to be issued with appointment order for the post of Assistant (Junior), then the respondent No. 3 may not withhold appointment order of the petitioner only on the ground that validation proceedings are pending. The same would be provisional appointment order and same would be subject to the decision of the Committee in validation proceedings and in that case the petitioner would not be entitled for any equity. The writ petition accordingly is disposed of. No costs.

[V. L ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]