

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

WRIT PETITION NO. 4335 OF 2015

Rameshwar Maroti Totewad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Arun H. Koralkar, Advocate for the Petitioner.

Shri S. A. Ambad, A.G.P. for Respondent Nos. 1 and 3.

Shri A. P. Yenegure, Advocate h/f Shri P. S. Patil, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 16TH APRIL, 2015.

PER COURT :

. Mr. Koralkar, the learned counsel submits that, the petitioner is appointed as a peon. The proposal for approval to the appointment of the petitioner is forwarded to the respondent No. 3. The respondent No. 3 rejected the said proposal only on the ground that, the validity certificate is not annexed. The learned counsel submits that, the validation proceedings are pending with the respondent No. 2/Committee. The respondent No. 3 can grant approval to the service of the petitioner.

2. Mr. Yenegure, the learned counsel holding for Mr. Patil, the learned counsel for the respondent No. 2/Committee states that, it would take some time to decide the validation proceedings.

3. The learned Assistant Government Pleader states that, the petitioner is appointed from reserved category, unless validity certificate is produced, the approval cannot be granted to the appointment of the petitioner.

4. We have considered the submissions canvassed by the learned counsel for respective parties. To get the proceedings decided within a stipulated period is not in the hands of a litigant. The respondent No. 3 can consider the proposal for approval in absence of validity certificate provisionally, keeping in mind the fact that, validation proceedings are pending.

5. In the light of the above, we pass the following order.

6. The impugned order returning the proposal of the petitioner seeking approval to his appointment is quashed and set aside. The respondent No. 3 shall consider the proposal seeking approval to the appointment of the petitioner on its own merits and shall not reject the same only on the ground that validation proceedings are pending. If validation proceedings are pending and the petitioner satisfies all other legal requirement,

then the respondent No. 3 can give provisional approval subject to the decision of the Committee in the validation proceedings. The writ petition accordingly is disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]

bsb/April 15