

IN THE HIGH COURT OF JUDICATURE OF BOMBAY  
BENCH AT AURANGABAD  
WRIT PETITION NO.5003 OF 2015

Gopal s/o Basandas Padwal,  
aged: 28 years, Occ: Service as  
Assistant Teacher, R/o Adarsh Nagar,  
Vaijapur, Tq. Vaijapur,  
District Aurangabad.

Petitioner

Versus

01 The State of Maharashtra,  
Department of Sports & Education,  
Mantralaya, Mumbai-400 032,  
through its Secretary.

02 The Scheduled Tribe Certificate  
Scrutiny Committee,  
Aurangabad Division,  
Aurangabad, through its  
Member Secretary.

03 The Chief Executive Officer,  
Zilla Parishad, Aurangabad.

04 The Education Officer (Primary),  
Zilla Parishad, Aurangabad.

Respondents

Mr.S.C.Yeramwar, advocate for the petitioner  
Mr.N.B.Patil, A.G.P. for Respondent No.1.  
Mr.A.B.Tele, advocate for Respondent No.2.  
Mr.V.C.Patil, advocate holding for Mr.U.B.Bondar, advocate for  
Respondents No.3 and 4.

**CORAM : R.M.BORDE &**

**P.R.BORA, JJ.**

**DATE : 25th August, 2015**

**ORAL JUDGMENT (Per R.M.Borde, J.):**

1            Heard.    Rule.    Rule made returnable forthwith and  
heard finally by consent of learned Counsel for respective parties.

2           Petitioner claims to be belonging to 'Naikda', a Scheduled Tribe. The petitioner has been appointed as a *Shikshan Sevak* as against a vacancy earmarked for Scheduled Tribe category by *Zilla Parishad*, Aurangabad, by an order dated 15.12.2008. The petitioner has completed tenure of three years as a *Shikshan Sevak* on 26.12.2011. The petitioner claims that, as such, on completion of tenure of three years as *Shikshan Sevak*, he is entitled to be continued as an Assistant Teacher in view of the policy of the State Government.

3           Respondent - *Zilla Parishad*, however, even after petitioner's completing tenure of three years as *Shikshan Sevak*, has continued him in employment as a *Shikshan Sevak* and he is being paid fixed salary prescribed for *Shikshan Sevak*. The action of Respondent - *Zilla Parishad*, refusing to pay salary to the petitioner in the prescribed pay scale, is illegal. The petitioner, on completion of tenure of three years as *Shikshan Sevak*, ought to have been continued as Assistant Teacher and shall have to be paid salary in the pay scale prescribed for Assistant Teacher.

4           In this view of the matter, Respondents No.3 and 4 are directed to pay salary to the petitioner in the pay scale prescribed for Assistant Teacher on and after the date of completion of three years tenure as *Shikshan Sevak*. The arrears payable to the petitioner shall be disbursed within a period of four months from today.

5           It is not a matter of dispute that the proposal in

respect of verification of caste certificate of the petitioner is pending consideration with Respondent No.2 - Scrutiny Committee since 2011. In these facts and circumstances, Respondent No.2-Committee is directed to take decision on the proposal in respect of verification of caste certificate issued in favour of the petitioner, as expeditiously as possible, preferably within a period of nine months from today. It is needless to mention that continuance of the petitioner in the employment is subject to result of verification of caste certificate by Respondent No.2- Scrutiny Committee.

6 Rule is accordingly made absolute. There shall be no order as to costs.

**P.R.BORA**  
**JUDGE**

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**R.M.BORDE**  
**JUDGE**