

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

WRIT PETITION NO. 5707 OF 2015

Aruna Kondibarao Pohare .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Arvind K. Tiwari, Advocate for the Petitioner.

Shri K. G. Patil, Addl.G.P. for Respondents/State.

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATE : 09TH JUNE, 2015.

PER COURT :

. Mr. Tiwari, the learned counsel for the petitioner states that, the petitioner is working at Sub Centre Gokunda of Public Health Centre Bodhadi, Tq. Kinwat since 2011, as such is entitled for 30% extra marks as per Government Resolution dated 03.05.2011. The learned counsel submits that, the petitioner is also paid special allowance of Rs. 1,500/- per month for working in a tribal area. According to the learned counsel, even the concerned officers have issued certificates certifying that the petitioner is working in a tribal area under Bodhadi Primary Health Centre, which is included in the list of tribal areas as per the Government Resolution dated 19.06.2010. The learned counsel submits that, even Tribal Development

Department has issued a separate list which specifically states that, Gokunda is in a tribal area. According to the learned counsel, there was no impediment to award 30% more marks to the petitioner as per Government Resolution dated 03.05.2011.

2. Mr. Patil, the learned Additional Government Pleader submits that, Gokunda is not included in the list appended with Government Resolution dated 19.06.2010, as such is not entitled for additional marks. Only those Health Centres which are detailed in the list annexed with the G. R. dated 19.06.2010, the persons working in those centres would be entitled for the benefit of additional marks. The learned Addl. G. P. submits that, Gokunda is nearer to Kinwat taluka and as such is not included.

3. We have considered the submissions canvassed by learned counsel for respective parties and have also gone through the documents annexed. It is not disputed that the petitioner is working at Gokunda Sub Centre. The same is sub centre of Bodhadi Primary Health Centre situated in Kinwat taluka. Bodhadi Primary Health Centre is notified as tribal in the list appended to the Government Resolution dated 19.06.2010. The salary slips of the petitioner are annexed, which shows that the petitioner is paid Rs. 1,500/- per month as tribal allowance for working in tribal area. Even the certificates are annexed with the petition issued by the authorities stating that the Gokunda is

a tribal area. Not only that, the separate list is also published by the Tribal Development Department stating that Gokunda Sub Centre is in tribal area.

4. We had asked the learned Additional Government Pleader as to whether any sub centre of the Primary Health Centre are mentioned in the list annexed to the Government Resolution dated 19.06.2010. The learned Additional Government Pleader on instructions states that, not a single sub centre is notified in the said list. Only primary health centres are notified. It is not disputed that, Gokunda is sub centre of Bodhadi Primary Health Centre included in the list of tribal area. As per the Government Resolution dated 19.06.2010, coupled with aforesaid documents i. e. salary slip showing payment of tribal allowance, the certificates of the authorities and the list published by the Tribal Development Department, it can be said that, the petitioner is working in a tribal area and the primary health centre Bodhadi is notified in the list of which Gokunda is sub centre. As such, the petitioner is entitled for additional marks as per G. R. dated 03.05.2011.

5. In the result, we pass the following order.

6. The respondent authorities shall allot the additional marks to the petitioner in tune with the Government Resolution dated

03.05.2011 and more particularly clause 1.9 of the said Government resolution of having worked in the tribal area. The writ petition accordingly disposed of.

7. The learned Additional Government Pleader shall communicate this order to the respondent authorities.

8. The parties to act on authenticate copy.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/June 15