

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

WRIT PETITION NO. 6706 OF 2015

Ravindra Shaligram Gawali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. G. Rudrawar, Advocate for the Petitioner.

Shri G. K. Thigle, Addl.G.P. for Respondent Nos. 1 and 4.

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

DATE : 07TH JULY, 2015.

PER COURT :

. The learned counsel for the petitioner states that, the petitioner was appointed as Shikshan Sevak in the year 2012. The petitioner successfully completed the said tenure. Thereafter, his services are continued as Assistant Teacher. The proposal is also submitted by the Head Master to the Education Officer for granting approval to the service of the petitioner as Assistant Teacher in November 2014. However, no decision has been taken on the same. The learned counsel submits that, validation proceedings in respect of tribe claim of the petitioner are pending with the Committee. The respondents be directed to grant approval to the service of the petitioner as an Assistant Teacher.

2. The learned Additional Government Pleader states that, the petitioner is appointed from reserved category. Even the order of approval granted earlier is set aside. The petitioner was directed to bring validity certificate within a period of six months. The same is not yet submitted. As such, no further orders can be passed in respect of approval to the service of the petitioner.

3. We have considered the submissions canvassed by the learned counsel for respective parties.

4. The proposal is submitted by the Head Master to the Education Officer seeking approval to continue the service of petitioner as an Assistant Teacher. It is submitted that, the validation proceedings in respect of tribe claim of the petitioner are pending. It is not in the hands of a litigant to get the proceedings decided within a stipulated period. The proposal for approval as an Assistant Teacher can be considered by the Education Officer provisionally subject to the decision of the Committee in the validation proceedings.

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

6. The Education Officer (Secondary), Zilla Parishad, Aurangabad shall consider the proposal (Exhibit - D collectively)

submitted by the Head Master to it and if the same is pending and if he comes to the conclusion that the petitioner is eligible to be granted approval as an Assistant Teacher, the same shall be granted provisionally subject to the decision of the Committee in the validation proceedings. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15