

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6353 OF 2015

VINOD SHESHERAO ADATRAO
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for petitioner : Mr. E. S. Murge
AGP for respondent No. 1 : Smt.. S. A. Dhumal
Advocate for respondent No. 2 : Mr. K. D. Bade Patil
Advocate for respondent No. 3 : Mr. S. S. Dande

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

DATED : 23rd JULY, 2015

P.C. :-

1. Mr. Murge, the learned counsel for the petitioner submits that the petitioner has been selected for the post of Assistant after following due selection process by respondent No. 3. However, the appointment order is not being issued solely on the ground that the validity certificate is not yet given. The learned counsel submits that the validation proceedings in respect of tribe claim of the petitioner is pending with respondent No. 2 Committee. It is for the Committee to decide the same.

2. Mr. Bade Patil, the learned counsel for the Committee does not dispute that the said validation proceedings are pending, however, states that it would take some time to decide the said proceedings.

3. Mr. Dande, the learned counsel for respondent No. 3 submits that as the petitioner is selected from the reserved category, unless the validity is submitted, the appointment order cannot be issued.

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

5. To get the validation proceedings decided is within the realm of respondent No. 2 Committee. The learned counsel for the Committee states that it would take some time to decide the proceedings. The Government Resolution dated 12.12.2011 also lays down the course to be adopted in such cases i.e. provisional/temporary appointment can be given subject to the decision of the Committee in the validation proceedings. In the light of the above, we pass the following order:

ORDER

- I. In case there is no other impediment, respondent No. 3 shall give provisional/temporary appointment to the petitioner for the post for which he is selected subject to the decision of the Committee in the validation proceedings.
- II. Needless to state, the petitioner cannot claim any

equity and respondent No. 3 is at liberty to take appropriate steps in tune with the judgment that would be delivered by the Committee in the validation proceedings.

III. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of one (1) year. The Petitioner shall cooperate in expeditious disposal of the said proceedings.

IV. Writ Petition is disposed of with aforesaid observations and directions. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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