

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6464 OF 2015

Sainath s/o Rukamaji Barole
Age 27 years, Occ. Nil,
R/o. Dhanora (Bk), Tq. Umri,
District Nanded

...Petitioner

versus

1. The State of Maharashtra
Through the Secretary
General Administration department
Mantralaya, Mumbai

2. The Joint Director,
Technical Education,
Divisional Office Amrawati,
District Amrawati

3. The Scheduled Tribe Caste
Certificate Verification Committee
Aurangabad
Through its Deputy Director (R)
Aurangabad

...Respondents

.....
Mr. Sunil M. Vibhute, Advocate for the petitioner
Mr. S.M. Jadhav, A.G.P. for respondent Nos. 1 and 2.
Mr. A.B. Tele, Advocate for respondent No. 3.
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**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 14th JULY, 2015

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.):

1. Rule. Rule returnable forthwith. With consent of the parties,

taken up for final hearing at admission stage.

2. Mr. Vibhute, the learned counsel for the petitioner submits that the petitioner is selected for the post of Laboratory Assistant with respondent No.2, however, he is not being issued the appointment order only on the ground that the petitioner is not submitting validity certificate. According to the learned counsel, the validation proceedings in respect of tribe claim of the petitioner is pending with the Committee. Learned counsel relies on the Government Resolution dated 12.12.2011 to submit that in such case provisional appointment can be given.

3. Mr. Tele, learned counsel for the committee states that the proposal seeking validity in respect of tribe certificate of the petitioner has been received by the committee in the month of May, 2015.

4. Learned A.G.P. submits that in absence of validity certificate the appointment order is rightly not issued.

5. We have considered the submissions canvassed by the learned counsel for the respective parties. We have also perused the Government Resolution dated 12.12.2011 which says that in case the candidate is selected from reserved category then subject

to the said candidate producing validity certificate, appointment order can be issued. Considering the above, we pass the following order:-

O R D E R

- I. The committee shall decide the validity proceedings of the petitioner expeditiously, preferably within one year. The petitioner shall co-operate in expeditious disposal of the said proceedings.
- II. In case the petitioner is otherwise eligible and competent to be appointed pursuant to the selection process, then the appointment of the petitioner shall not be withheld only on the ground that the validity proceedings are pending. In that case, the respondent can issue provisional appointment order to the petitioner subject to the decision of the committee in validation proceedings.
- III. Writ petition is accordingly disposed of. No costs. Rule is made absolute in the above terms.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/