

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
BENCH AT AURANGABAD

WRIT PETITION NO. 6740 OF 2015

GAJANAN SUNIL DAGLE  
VERSUS  
THE STATE OF MAHARASHTRA AND OTHERS

.....  
Advocate for petitioner : Mr. H. V. Patil  
AGP for respondent Nos. 1 to 3 : Mr. S. S. Tope  
.....

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

**DATED : 28<sup>th</sup> JULY, 2015**

**P.C. :-**

1. Mr. Patil, the learned counsel for the petitioner submits that the petitioner is selected for the post of Steno-Typist. However, the appointment order is not being issued only on the ground that validity certificate is not submitted. The learned counsel submits that the petitioner has submitted a proposal to the Joint Director of Technical Education. The learned counsel relies on the Government Resolution dated 12<sup>th</sup> December, 2011 to contend that in such a case, provisional appointment can be given.

2. Mr. Tope, the learned AGP submits that as the petitioner is selected from the reserved category, unless the petitioner submits validity certificate, he cannot be given appointment.

3. We have considered the submissions. This Court, in writ petition no. 2136 of 2011 with other connected writ petitions, vide order dated 25<sup>th</sup> August, 2011, has held the condition No. 7 of the Government Resolution dated 5<sup>th</sup> November, 2009, which lays down of getting the validity certificate prior to issuance of appointment order, to be unreasonable. The said condition is struck down. Moreover, subsequently, the Government Resolution dated 12<sup>th</sup> December, 2011 is issued pursuant to the said order of this Court in the aforementioned writ petition, which says that if a candidate is selected from reserved category, then the proposal is to be referred to the Committee and within six months, the candidate should produce the validity certificate.

4. Considering the above, we pass the following order :

### **ORDER**

- I. The appointment order of the petitioner shall not be withheld only on the ground that validity certificate is not yet submitted. If the petitioner is otherwise eligible and entitled to be given appointment order as Scheduled Tribe candidate, then the respondent shall issue provisional appointment order to the petitioner which would be subject to the decision of the Committee in the validation proceedings.

II. The petitioner shall submit the proposal immediately to the committee for validation.

III. The writ petition is accordingly disposed of . No costs.

**( V. K. JADHAV, J.)**

**( S. V. GANGAPURWALA, J. )**

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