

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

WRIT PETITION NO. 6993 OF 2015

Pandurang Maruti Dontulwad .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri P. V. Jadhavar, Advocate for the Petitioner.

Shri R. P. Phatake, A.G.P. for Respondent Nos. 1, 3 and 4.

Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

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

DATE : 13TH JULY, 2015.

PER COURT :

. Mr. Jadhavar, the learned counsel for the petitioner submits that, the petitioner is selected for the post of junior clerk from the Scheduled Tribe category. However, the petitioner is not been issued appointment order on the ground that validation proceedings in respect of his tribe claim as belonging to 'Koli Mahadev' (Scheduled Tribe) are pending.

2. Mr. Bade Patil, the learned counsel for the respondent No. 2/Committee submits that, it would take some time for deciding the proceedings.

3. Mr. Phatake, the learned Assistant Government Pleader submits that, as the validity certificate is not yet issued in favour of the petitioner, the petitioner cannot be issued with appointment order.

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

5. The Government Resolution dated 12th December, 2011 lays down that if a candidate is selected from the reserved category vide selection process, then subject to the decision in respect of validation proceedings temporary appointment can be given.

6. It is submitted that, the petitioner is selected and his name appears in the select list. Even his proposal has been forwarded by the respondent No. 4 to the Committee for validation. Considering the above, we pass the following order.

7. In case the petitioner is eligible to be appointed and is selected for the post of junior clerk, then the respondents shall not withhold the appointment order only on the ground that validation proceedings are pending. In that event the petitioner can be appointed provisionally subject to the decision of the Committee in validation proceedings. Needless to state, the

petitioner would not claim any equity in case the decision of the Committee goes against the petitioner. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15