

UNREPORTED

IN THE HIGH COURT OF JUDICATURE AT

BOMBAY

BENCH AT AURANGABAD.

WRIT PETITION NO.7121 OF 2015

Sunil S/o Manikrao Nagalwad,
Age 25 years, Occ.Nil,
R/o Ritha, Tq. Bhokar,
Dist.Nanded. ... Petitioner.

Versus

1. The State of Maharashtra,
through Secretary,
General Administration Dept.
Mantralaya, Mumbai.

2. The Divisional Deputy
Commissioner, Woman &
Child Development,
Aurangabad Division,
Plot No.9, Shri S.D.Jadhav
Building, Khokadpura,
Aurangabad, Dist.Aurangabad.

3. The Scheduled Tribe Caste
Certificate Verification
Committee, Aurangabad,
through its Dy.Director ®,
Aurangabad. ... Respondents.

...

Mr.Vibhute S.M., advocate for the Petitioner.
Mr.R.P.Phatake, Asstt. Govt. Pleader for the

State.

Mr.A.B.Tele, advocate for Respondent No.3.

...

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

Date : 15.07.2015.

ORAL JUDGMENT (Per S.V.Gangapurwala, J.)

1. Heard.

2. Rule. Rule made returnable forthwith.
With the consent of the parties, the petition is taken up for final hearing.

3. Mr.Vibhute, learned counsel submits that the petitioner is selected by duly constituted Selection Committee for the post of Junior Protection Officer from ST category. The Respondent No.2 has referred the tribe certificate of the petitioner to the Committee for verification in May 2015 and the same is pending. According to the learned counsel, even as per the advertisement pursuant to which selection process is conducted, more particularly, clause 22 in case the validation proceedings are pending and a candidate is

selected from open category, appointment order is required to be issued temporarily subject to producing the validity within six (6) months. The learned counsel relies on the Government Resolution dated 12.12.2011.

4. Mr. Tele, learned counsel for Respondent No.3 Committee accepts that the proposal is received by the Committee and is pending.

5. We have heard learned Asstt. Govt. Pleader also.

6. The clause in the advertisement, more particularly, clause 22 is clear which state that if a candidate is appointed from reserved category then temporary appointment can be given subject to the candidate producing validity certificate. The Government Resolution dated 12.12.2011 is also to the said effect.

7. In light of that, we pass the following order :

a) In case the petitioner is otherwise eligible then the Respondent shall not withhold the appointment order of the petitioner only on the ground that validation proceedings are pending. In that event, the Respondent can give provisional/temporary appointment to the petitioner subject to the decision of the Committee in validation proceedings.

b) Rule accordingly made absolute in above terms. No costs.

(V.K.JADHAV, J.)

(S.V.GANGAPURWALA, J.)

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