

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

WRIT PETITION NO. 7380 OF 2015

Madhav Ukhaji Sonune

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri S. G. Sangle, A.G.P. for Respondent Nos. 1 and 3.

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

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

DATE : 22ND JULY, 2015.

PER COURT :

. Mr. Jadhavar, the learned counsel submits that, the validation proceedings in respect of tribe claim of the petitioner is pending with the respondent No. 2/Committee. The respondent No. 4 has forwarded proposal of the petitioner regarding continuation of service on the post of Assistant Teacher after completing three years as Shikshan Sevak. However, no decision is taken by the respondent No. 3 on the said proposal.

2. Mr. Bade Patil, the learned counsel for the respondent No. 2/Committee submits that, the proposal of the petitioner in

respect of his tribe claim is pending with the Committee.

3. The learned Assistant Government Pleader states that, as the validity is not submitted and the petitioner is appointed from reserved category, the proposal for continuation of service is rightly not considered by the Education Officer.

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

5. It is not disputed that validation proceedings in respect of tribe claim of the petitioner is pending with the respondent No. 2/Committee. In case the petitioner is continued in service after working for three years as Shikshan Sevak, then naturally the petitioner's proposal for approval as Assistant Teacher is required to be considered, in case of pending validation proceedings the said proposal can be considered provisionally.

6. In the light of the above, we pass following order.

7. In case the proposal seeking continuity of service of the petitioner as Assistant Teacher is pending with the respondent No. 3, then the respondent No. 3 shall decide the proposal on its own merits in accordance with law and in case the respondent No. 3 decides to sanction approval to the said proposal, then the

same would be provisional and subject to the decision of the Committee in validation proceedings. The same shall be decided by the Education Officer expeditiously and preferably within a period of four (4) months from today. The writ petition is disposed of. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15