

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

WRIT PETITION NO. 7435 OF 2015

Ashok Ushanna Kotpolu
age 28 years, occ. Service
r/o At post Chapoli, Tq. Chakur
Dist. Latur.

.. PETITIONER

VERSUS

1. Education Officer (Secondary)
Zilla Parishad, Latur, Dist. Latur.
2. Swami Vivekanand Vidyalaya,
Chapoli, Tq. Chakur, Dist. Latur
through its Head Master.
3. Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad
through its Member Secretary

.. RESPONDENTS

Mr. S.S. Phatale, advocate for petitioner.
Mr. N.B. Patil, AGP for the State.
Mr. R.N. Bharaswadkar, advocate for respondent no. 2.
Mr. P.S. Patil, advocate for respondent no. 3.

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**CORAM : R.M. BORDE &
P. R. BORA, JJ.
DATE : 2nd SEPTEMBER, 2015.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner claims to be belonging to 'Koli Mahadev' Scheduled Tribe. Tribe certificate issued in his favour has been referred to the Scrutiny

Committee for verification and, it is stated that the validation claim is pending with the Scrutiny Committee since the year 2011. Petitioner was initially appointed as Shikshan Sewak in the year 2011 as against the seat reserved for Scheduled Tribe community. Petitioner claims that he has completed three years tenure as Shikshan Sewak and, on successful completion of the tenure of three years, he is entitled to be continued as Assistant Teacher. However, the Zilla Parishad has not accorded approval to the appointment of petitioner as Assistant Teacher only on the ground that petitioner has failed to tender validation certificate. Petitioner is also not being paid salary in the pay scale prescribed for Assistant Teacher since June 2014.

4. In the facts and circumstances of the case, this petition can be disposed of by issuing directions to respondent Zilla Parishad to pay monthly salary to petitioner in the pay scale prescribed for Assistant Teacher from the date of completion of three years tenure as Shikshan Sewak i.e. since June 2014 onwards. Respondent Zilla Parishad shall continue to pay salary admissible to petitioner in the pay scale prescribed for Assistant Teacher so also shall pay arrears of salary, as expeditiously as possible, preferably within a period of four months from today. It would be open for the Zilla Parishad to approve services of petitioner provisionally subject to production of tribe validation certificate.

5. Learned counsel for respondent no. 3 – Committee states on instructions that the proposal in respect of issuance of validation certificate

tendered by petitioner would be decided as expeditiously as possible, preferably within a period of six months from today. The statement made is accepted and it is accordingly directed to respondent no. 3 – Committee to take decision on the proposal tendered by petitioner for issuance of validation certificate within time frame stipulated as above. Petitioner shall cause appearance before the Scrutiny Committee on 21.09.2015 and as such, no separate notice requiring his presence before the Committee shall be necessary. Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(P. R. BORA)
JUDGE

(R. M. BORDE)
JUDGE

dyb