

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD
WRIT PETITION NO. 9550 OF 2015**

Anil Shankarrao Suryawanshi,
age 28 years, occ. Service
R/o Nimbari, Tq. Shirpur,
Dist. Dhule.

Petitioner

VERSUS

- 1 Education Officer (Primary)
Zilla Parishad, Dhule,
District Dhule.
- 2 Zilla Parishad Primary School,
Nimbari, Tq. Shirpur, Dist.Dhule,
through its Head Master.
- 3 Scheduled Tribe Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
through its Member Secretary

Respondents

Mr. S.S. Phatale, advocate for petitioner.
Mr. R.S.Pawar, advocate for respondent no. 1.
Mr.S.B.Chaudhari, advocate for Respondent No.2.
Mr. P.S. Patil, advocate for respondent no. 3.

**CORAM : R.M. BORDE &
A.I.S.CHEEMA, JJ.
DATE : 3rd December, 2015.**

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

1 Heard. Rule. Rule made returnable forthwith and heard finally by consent of learned Counsel for respective parties.

2 Petitioner claims to be belonging to 'Koli Mahadev', a Scheduled Tribe. The tribe certificate issued in his favour has been

referred to the Scrutiny Committee for verification and it is stated that the claim is pending with the Scrutiny Committee since the year 2011. Petitioner was initially appointed as Shikshan Sewak in the year 2009 as against a seat reserved for Scheduled Tribe community. Petitioner claims that he has completed three years tenure as Shikshan Sewak and on successful completion of 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 2012.

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 the 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 2012 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, on instructions, states 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 17.12.2015 and as such, no separate notice requiring his presence before the Committee shall be necessary.

6 Rule is accordingly made absolute. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S.CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

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