

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

WRIT PETITION NO.9918 OF 2015

Govind s/o Kishanrao Kamthewad
Age 27 years, Occu. Service,
R/o Krushnur, Tq. Naigaon,
District Nanded

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PETITIONER

VERSUS

1. The State of Maharashtra
through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Nanded
District Nanded.
3. The Block Development Officer,
Panchayat Samiti, Naigaon (Kh.),
Tq. Naigaon (Kh.), District Nanded.
4. The Scheduled Tribe Caste Certificate
Verification Committee, Aurangabad
through its Deputy Director (R),
Aurangabad

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RESPONDENTS

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Shri S.M. Vibhute, Advocate for petitioner
Shri V.M. Kagne, A.G.P. for State
Dr. Mrs. Kalpalata Patil Bharaswadkar, Advocate for R.No.2 & 3
Shri K.D. Bade Patil, Advocate for respondent No.4

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CORAM: R.M. BORDE &
 A.I.S. CHEEMA, JJ.

DATED: 4th December, 2015.

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

1. Heard. Rule. Rule made returnable forthwith. With the consent of learned counsel for the parties, the petition is taken up for final disposal at the admission stage.

2. The petitioner came to be appointed as Gramsevak with respondent No.2 - Zilla Parishad, Nanded. Since the petitioner was appointed against reserved category, he was directed to submit caste validation proposal within prescribed period. The petitioner contends that, the proposal tendered by the employer for verification of the tribe certificate is pending consideration with the respondent No.4 Scrutiny Committee and the proposal has not yet been finally decided. In the facts of the case, this petition can be disposed of by directing the respondent No.4 Scrutiny Committee to take decision in respect of caste validation claim of the petitioner as expeditiously as possible, preferably within a period of one year from today and it is accordingly directed.

3. The petitioner contends that, in view of clause 6 of

the appointment order, on completion of three years of continuous service, the services of the petitioner are liable to be regularised subject to availability of the post. The petitioner submits that, the posts are available and since he has completed three years service, his services are liable to be regularised provisionally subject to submission of the caste validation claim.

4. In the facts of the case, the respondent No.2 is directed to provisionally regularise the services of the petitioner subject to furnishing the caste validation certificate on declaration of the decision of the Caste Scrutiny Committee and subject to availability of the post. Rule is accordingly made absolute in terms of the directions issued as above. There shall be no order as to costs.

(A.I.S. CHEEMA, J.)

(R.M. BORDE, J.)