

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.10350 OF 2015

Kavitarani D/o Devrao Boinwad,
Age-33 years, Occu:Service,
R/o-New Adarsha Colony, Purna,
Tq-Purna, Dist-Parbhani.

...PETITIONER

VERSUS

- 1) Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary,
- 2) Education Officer (Primary),
Zilla Parishad, Parbhani,
Dist-Parbhani,
- 3) Vidya Prasarini Sabha's
Prathamik School, Purna,
Tq-Purna, Dist-Parbhani,
Through its Secretary.

...RESPONDENTS

...

Mr.Sagar S. Phatale Advocate for Petitioner.
Mr.A.B. Tele Advocate for Respondent No.1.
Mr. V.H. Solanke Advocate h/f. Mr. B.A.
Shinde Advocate for Respondent No.2.
Mr. P.N. Kulkarni Advocate for Respondent No.3.

...

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

DATE : 9TH 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 admissions stage.

2. Petitioner claims to be belonging to 'Koli Mahadev', Scheduled Tribe. Tribe certificate issued in favour of the Petitioner by the competent authority has been referred to the Scrutiny Committee for verification in April 2015 and the said proposal is stated to be pending with the Scrutiny Committee. The Petitioner has been appointed as Shikshan Sevak in a primary school run by Respondent No.3, on 15th June 2009 and is still continued in the employment. The Petitioner has completed three years tenure as Shikshan Sevak

on 14th June 2012. However, since the Petitioner has failed to tender validation certificate, she has not been conferred with the status of Assistant Teacher and is not being paid salary in the pay-scale prescribed for Assistant Teacher.

3. In the facts and circumstances of this case, this Petition can be disposed of by directing Respondent No.1 - Scrutiny Committee to decide validation claim pertaining to Petitioner, as expeditiously as possible, preferably within a period of ONE YEAR from today, and it is accordingly directed.

4. In the meanwhile, during pendency and final disposal of the caste validation proceedings before Respondent No.1 - Scrutiny Committee, no coercive action shall be taken against Petitioner only on the ground of her failure to tender validation certificate.

5. The Respondent No.2 shall consider the Petitioner to be in the employment as Assistant Teacher from the date of completion of three years tenure as Shikshan Sevak i.e. since 14th June 2012 onwards, subject to fulfillment of the relevant requirements. The Respondent No.2 shall approve the status of the Petitioner as an Assistant Teacher, provisionally, and shall release the salary in the pay-scale prescribed for the post of Assistant Teacher. The arrears of salary shall be paid to the Petitioner within a period of FOUR MONTHS from today.

6. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

[A.I.S. CHEEMA, J.]

asb/DEC15

[R.M. BORDE, J.]