

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

WRIT PETITION NO. 10434 OF 2015

Shubhangi Sambhaji Waghmode,
Age : 25 years, Occu.: Service,
R/o. Omerga, Tq. Omerga,
Dist. Osmanabad.

..PETITIONER.

VERSUS

- 1) The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai - 32.
- 2) The Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad.
Through its Deputy Director / Member.
- 3) The Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 4) The Deputy Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 5) The Block Development Officer,
Panchayat Samittee, Omerga,
Tq. Omerga, dist. Osmanabad.

..RESPONDENTS.

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WITH

WRIT PETITION NO.10469 OF 2015

Netaji S/o Fulchand Dabade
Age : 30 years, Occu.: Service,
R/o. Karanjkheda,
Tq. & Dist. Osmanabad.

...PETITIONERS.

VERSUS

- 1) The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai - 32.
- 2) The Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad.
Through its Deputy Director / Member.
- 3) The Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 4) The Deputy Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 5) The Block Development Officer,
Panchayat Samittee, Lohara,
Tq. Omerga, dist. Osmanabad.

..RESPONDENTS.

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WITH

WRIT PETITION NO.10476 OF 2015

Balaji S/o Hanmantrao Nalmale
Age : 26 years, Occu: Service,
R/o. Chincholi (B), Tq. Nilanga,
Dist. Latur....PETITIONERS.

VERSUS

- 1) The State of Maharashtra,
Tribal Development Department,
Through its Secretary,
Mantralaya, Mumbai - 32.
- 2) The Scheduled Tribe Certificate,
Scrutiny Committee, Aurangabad.
Through its Deputy Director / Member.
- 3) The Chief Executive Officer,
Zilla Parishad, Osmanabad.

- 4) The Deputy Chief Executive Officer,
Zilla Parishad, Osmanabad.
- 5) The Block Development Officer,
Panchayat Samittee, Omerga,
Tq. Omerga, dist. Osmanabad.

..RESPONDENTS.

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Mr. Pratap V. Jadhavar, Advocate for Petitioners;
Mr. N.B. Patil, AGP for Respondent No.1 State;
Mr. P.S.Patil, Mr. Ashok Tele, and Mr.K.D. Bade
Patil, Advocates for Respondent No.2.
Mr. P.P.Dama, Advocate for Respondent Nos.3 to 5.

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CORAM: R.M.BORDE
AND
P.R.BORA, JJ.

DATED : 27th October, 2015.

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

1) The petitioners claim to belong to Koli Mahadeo Sheduled Tribe. They have been appointed as a Gram Sevak in Zilla Parishad, Osmanabad, as against vacancies available for Scheduled Tribe category candidates.

2. The grievance of the petitioners is that, as a result of their failure to tender validation certificate, the employer i.e. the Zilla Parishad has withheld the monthly salary admissible to them and has also not considered their claim for regularization on completion of three years' service as contractual Gram

Sevaks.

It is the contention of the petitioners that, as per the policy laid down by the State Government, on satisfactory completion of period of three years' on the post of contractual Gram Sevak, the employee is entitled to be continued on the said post, as regular employee and is also eligible to draw salary in the prescribed pay scale.

3. In the facts and circumstances of this case, this petition can be disposed of with direction to respondent no.2 Scrutiny Committee to decide the validation claim presented by the petitioners to the Committee as expeditiously as possible, and preferably within a period of eight months from today, and it is accordingly directed.

4. Learned Counsel appearing for the Zilla Parishad makes a statement, on instructions, that the claims of the petitioners for regularization and in respect of payment of salary in the prescribed pay scale and release of arrears of back-wages would be considered within a period of three weeks from today.

In view of the statement made, respondent no.2 Zilla Parishad is directed to consider the claim of the petitioners for

regularization in employment as per the policy prescribed by the State Government on their completion of tenure of three years and if at all the Zilla Parishad takes a decision of regularization of their services, the employees shall be paid monthly salary in the prescribed pay scale, and the arrears shall be paid to them within a period of eight weeks from today.

The respondent Zilla Parishad is further directed not to deny the claim of the petitioners for regularization only on the ground that they have failed to tender validation certificates.

It would be open for the respondent Zilla Parishad to consider the claim for regularization of the petitioners in employment subject to decision on the caste verification claims of the petitioners pending with the respondent Scrutiny Committee.

Rule made absolute in above terms.

(P.R.BORA)
JUDGE

(R.M.BORDE)
JUDGE

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AGP/10434-15wp