

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

WRIT PETITION NO.10843 OF 2015

Shivaji s/o Nagorao Palleshwad
Age 25 years, Occu. Service
R/o Tuppa, Tq. & Dist. Nanded ... PETITIONER

VERSUS

1. The State of Maharashtra
through Secretary to Tribal
Welfare Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad,
through its Deputy Director (R),
Aurangabad, Dist. Aurangabad.
3. The Secretary,
Manavlok Institution,
Dhadpad, P.B. No.23, Ring Road,
Ambajogai, Tq. Ambajogai,
Dist. Beed.
4. The Principal,
Manavlok Samaj Vidnyan Mahavidhyalaya,
P.B. No.23, Ring Road, Ambajogai,
Tq. Ambajogai, Dist. Beed.
5. The Commissioner,
Social Welfare Commissionerate,
Maharashtra State, Pune,
District Pune.
6. The Regional Deputy Commissioner,
Social Welfare, Aurangabad Division,
Aurangabad, Dist. Aurangabad.
7. The Assistant Commissioner,
Social Welfare, Beed,
District Beed. ... RESPONDENTS

.....
Shri S.M. Vibhute, Advocate for petitioner
Shri C.V. Dharurkar, A.G.P. for State
Shri K.D. Bade Patil, Advocate for respondent No.2
Shri P.P. Dama, Advocate for respondent No.7
.....

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 has been appointed as a Watchman w.e.f. 9.2.2013 in respondent No.3 Institute – respondent No.4 College. The respondent No.7 Assistant Commissioner, Social Welfare, Beed has refused to accord approval to the appointment on the ground of failure of the petitioner to tender caste validation certificate. It is the contention of the petitioner that the caste validation proposal tendered by the employer to the respondent No.2 Scrutiny Committee is pending for disposal and it is not within the reach of the petitioner to secure the validation certificate within the time stipulated.

3. In the facts of this case, this Writ Petition can be disposed of by directing the respondent No.2 Scrutiny Committee

to take decision on the caste validation proposal in respect of the petitioner as expeditiously as possible, preferably within a period of one year from today and it is accordingly directed.

4. In the meanwhile respondents No.3 and 4 shall not take any adverse action against the petitioner. The respondents No.5 to 7 are directed to accord provisional approval to the appointment of the petitioner subject to validation of the tribe claim pending with the Scrutiny Committee.

5. Rule made absolute in above terms. No orders as to costs.

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

(R.M. BORDE, J.)