

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

WRIT PETITION NO. 11611 OF 2014

Vyankat Gangaram Nalapalle .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri P. G. Rodge, Advocate for the Petitioner

Shri N. B. Patil, A. G. P. for the Respondent Nos. 1 and 3

Shri P. S. Patil, Advocate for the Respondent No. 2

Shri S. S. Deshmukh and Shri D. A. Sakhalkar Advocate for the
Respondent Nos. 4 and 5

CORAM : S. V. GANGAPURWALA AND

A. I. S. CHEEMA, JJ.

DATE : 13TH APRIL, 2015.

PER COURT :

1) Mr. Rodge the learned counsel submits that, this Court had directed the Committee to decide the validation proceedings in respect of the tribe claim of the petitioner within one year from the date of order that is 14th August, 2014 passed in Writ Petition No. 5316 of 2014. The proposal for approval is rejected only on the ground that validity certificate is not submitted.

2) We have heard the learned counsel for the Committee so also the Management.

3) The learned A. G. P. submits that as the petitioner is appointed from the reserved category and the validity is not yet submitted, the proposal for approval has been rightly rejected.

4) It is a fact that, validation proceedings in respect of the tribe claim of the petitioner is pending consideration with the Committee. To get the proceedings decided within the stipulated period is not in the hands of the litigant. There was no impediment for the respondent Education Officer to consider the proposal for approval subject to the decision of the Committee in the validation proceedings. The Education Officer can always take decision depending upon the judgment delivered by the Committee in the validation proceedings.

5) In the result we pass the following order -

ORDER

A] The impugned order rejecting the proposal seeking approval to the appointment of the petitioner is quashed and set aside.

B] The respondent Education Officer shall not reject the proposal of the petitioner only on the ground that validity certificate is not yet submitted and the validation proceedings are pending.

C] In case there is no other legal impediment and the petitioner fulfills all other legal requirements, the Education Officer can grant provisional approval subject to the decision of the Committee in the validation proceedings.

D] The decision shall be taken by the Education Officer within two (2) months.

6) Writ Petition accordingly disposed of. No costs.

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

[S. V. GANGAPURWALA, J.]