

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.446 OF 2016

Vijaymala Shankar Gudmewad,
Age-34 years, Occu:Service,
R/o-28, Chandra Nagar Housing
Society, N-9, Cidco, Aurangabad,
Tq. & Dist-Aurangabad.

...PETITIONER

VERSUS

- 1) Zilla Parishad,
Aurangabad,
Through its Chief Executive Officer,
- 2) Block Education Officer,
Panchayat Samiti, Phulambri,
Tq-Phulambri, Dist-Aurangabad,
- 3) Zilla Parishad Primary School,
Jategaon Kendra,
Dhamangaon, Tq-Phulambri,
Dist-Aurangabad,
Through its Head Master,
- 4) Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary.

...RESPONDENTS

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Mr. Sagar S. Phatale Advocate for Petitioner.
Mr. Deepak K. Rajput Advocate for Resp. No.1.
Mr. B.V. Virdhe, A.G.P. for Resp. No.4

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH MARCH, 2016

ORDER :

1. Mr. Phatale, learned counsel for the Petitioner states that validation proceedings in respect of tribe claim of the Petitioner are pending with the Scrutiny Committee since 2013. The Petitioner's appointment as Shikshan Sevak was approved and thereafter the proposal is sent seeking approval to the appointment of the Petitioner as Assistant Teacher. However, the same is not being considered only on the ground that validation proceedings are pending.

2. Learned A.G.P. states that proposal for approval as an Assistant Teacher was received by the Education Officer, however there were deficiencies and therefore it was returned back. According to the Petitioner, said deficiencies are

cured in September 2015.

3. In light of above, we pass following order:

O R D E R

(I) The Respondent No.4 - Scrutiny Committee shall decide the validation proceedings in respect of tribe claim of the Petitioner, expeditiously, preferably within period of ONE YEAR.

(II) The Respondent Nos. 1 and 2 shall consider the proposal received by them seeking approval for appointment of Petitioner as Assistant Teacher, and take decision on the same expeditiously, on its own merits, preferably within THREE MONTHS. The same shall not be rejected only on the ground that validation

proceedings are pending.

(III) In case approval is granted to the appointment of Petitioner as Assistant Teacher, the same would be subject to the decision of the Scrutiny Committee in the validation proceedings.

(IV) Writ Petition accordingly disposed of. No costs.

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

asb/MAR16

[S.V. GANGAPURWALA, J.]