

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.793 OF 2016

Anna s/o Madhavrao Jadhav,
Age-29 years, Occu:Service,
R/o-Kumbhari, Tq-Bhokardan,
Dist-Jalna.

...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, Jalna,
- 4) The Deputy Chief Executive Officer,
(Panchayatraj), Zilla Parishad,
Jalna,
- 5) The Block Development Officer,
Panchayat Samittee, Mantha,
Tq-Mantha, Dist-Jalna.

...RESPONDENTS

...
Mr.P.V. Jadhavar Advocate for Petitioner.
Mr.A.B. Girase, A.G.P. for Respondent
Nos.1 & 2.
Mr.S.S. Tope Advocate for Respondent Nos.3 to 5.
...

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

DATE : 1ST MARCH, 2016

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. The Petitioner claims to belong to "Koli Malhar", Scheduled Tribe. He has been appointed on the post of Contractual Gram Sevak as against vacancy ear-marked for Scheduled Tribe, by order dated 27th August 2009. The Petitioner joined the services as Contractual Gram Sevak and has completed three years tenure on 26th August 2012. Since the Petitioner has been appointed as against

reserved vacancy, the tribe certificate issued to him has been referred to the Scrutiny Committee for verification, and the proposal is stated to be pending.

3. In the facts of this case, the Respondent No.2 - Scrutiny Committee is directed to take decision on the tribe certificate verification claim of the Petitioner pending with the Scrutiny Committee as expeditiously as possible, and preferably within period of EIGHT MONTHS from today.

4. The Petitioner has successfully completed three years tenure as Contractual Gram Sevak and the Block Development Officer has recommended, on 13th April 2015, to absorb the Petitioner in the cadre of Gram Sevak. In terms of order of appointment, the services of the Petitioner are liable to be regularized as Gram Sevak after completion of three years tenure as Contractual

Gram Sevak. In the instant matter, since the Petitioner has completed three years tenure as Contractual Gram Sevak on 26th August 2012, Respondent Nos.3 to 5 are directed to regularize the services of the Petitioner as Gram Sevak, provisionally, subject to the decision on the validation claim pending with the Scrutiny Committee. The Petitioner shall be paid salary in the pay-scale prescribed for Gram Sevak on and after 27th August 2012.

5. The arrears shall be paid to the Petitioner as expeditiously as possible, preferably within period of SIX 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/MAR16

[R.M. BORDE, J.]