

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1477 OF 2016

Ramesh S/o Madhavrao Dode,
age: 34 years, occu: service as Shikshan Sevak
with Zilha Parishad High School, Manur
Tq. Vaijapur, Dist. Aurangabad
presently residing at Manur
Tq. Vijapur, Dist. Aurangabad

Petitioner

Versus

- 1 The State of Maharashtra
Department of Sports & Education,
Mantralaya, Mumbai 400 032
through Its Secretary
- 2 The Scheduled Tribe Certificate Scrutiny
Committee,
Aurangabad Division, Aurangabad
through : Its Member Secretary
- 3 The Chief Executive Officer,
Zilha Parishad, Aurangabad
- 4 The Education Officer (Primary),
Zilha Parishad, Aurangabad
- 5 The Head Master
Zilha Parishad High School, Manur
Tq. Vaijapur, Dist. Aurangabad

Respondents

Mr.S.C. Yeramwar advocate for the petitioner
Mr.A.R. Kale, Assistant Government Pleader for Respondent Nos.1 & 2
Mr.C.D. Biradar advocate for respondent Nos.3 to 5

CORAM : ***R.M. BORDE &
K.L.WADANE, JJ***

(Date : 16th June, 2016.)

ORAL JUDGMENT

(Per: R.M. Borde, J)

1 Heard.

2 Rule. With the consent of the parties, petition is taken up for final decision at admission stage.

3 The petitioner belongs to Koli Mahadev, scheduled tribe (ST) and was appointed as a Shikshan Sevak in the school, operated by the Zilha Parishad on 29.12.2007, as against a seat prescribed for ST category. The petitioner states that, the caste certificate issued to him, certifying that he belongs to ST category has been forwarded to the Scrutiny Committee and the validation claim is not yet decided and the matter remained pending. In the meanwhile, the petitioner has completed three years tenure as Shikshan Sevak on 2.1.2011. It is the grievance of the petitioner that, although he has completed the tenure of appointment as Shikshan Sevak and is continued in employment of Zilha Parishad, he is being paid salary prescribed for the post of Shikshan Sevak and is not being paid salary in the pay scale prescribed for Assistant Teacher. The Zilha Parishad ought to pay the salary to the petitioner in the pay scale prescribed for the post of Assistant Teacher after completion of service tenure of three years as

Shikshan Sevak from the date of his appointment.

4 It is not a matter of dispute that the petitioner is continued in the employment and has completed tenure of three years as Shikshan Sevak. In this view of the matter, we direct the respondents No.3 to 5 to pay the monthly salary to the petitioner in the pay scale prescribed for Assistant Teacher since the date of his completion of tenure as a Shikshan Sevak i.e. from 2.1.2011 onwards and shall continue to pay the salary in the pay scale of Assistant Teacher. The difference of salary shall be paid within a period of six months from today.

5 The respondent No.2 Scrutiny Committee is directed to decide caste validation claim of the petitioner, pending with the Scrutiny Committee as expeditiously as possible and preferably within a period of one year from today.

6 Rule is made absolute to the extent specified above.

7 No order as to costs.

(K.L.WADANE, J)

(R.M.BORDE, J)