

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.1726 OF 2016

Ashok s/o Nivrutti Gopwad,
age: 32 years, Occ: service,
R/o Vikram Nagar, Latur,
Tq. & District Latur.

Petitioner

Versus

01 Education Officer (Secondary),
Zilla Parishad, Latur,
District Latur.

02 Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad,
through its Member Secretary.

03 Vimaltai Madhyamik Vidyalaya,
Davan Hipparga, Tq. Devni,
District Latur,
through its Head Master.

Respondents

Mr.S.S.Phatale, advocate for the petitioner.
Mr.S.B.Pulkundwar, A.G.P. for Respondents No.1 & 2.
Mr.D.B.Shinde, advocate for Respondent No.3.

**CORAM : R.M.BORDE &
A.I.S.CHEEMA, JJ.
DATE : 24th February, 2016**

ORAL JUDGMENT (Per R.M.Borde, J.):

1 Heard. Rule. Rule made returnable forthwith and
heard finally by consent of learned Counsel for respective parties.

2 Petitioner claims to belong to "Koli Mahadev",

Scheduled Tribe. Since petitioner has been appointed as *Shikshan Sevak* in Respondent No.3 – School on 16.06.2011 as against a post prescribed for Scheduled Tribe category, caste/tribe certificate issued to him has been referred for verification to Respondent No.2 – Scrutiny Committee and the proposal is stated to be pending.

3 In the facts and circumstances of this case, Respondent No.2 is directed to take decision on the proposal for verification of caste/tribe certificate of the petitioner, as expeditiously as possible, preferably within a period of eight months from today; and it is accordingly directed.

4 Petitioner states that he has completed three years' service as a *Shikshan Sevak* and as per the scheme framed by the State Government, he is required to be absorbed in service on the post of Assistant Teacher.

5 Petitioner has completed three years service as a *Shikshan Sevak* on 15.06.2014 and is stated to be still in employment with Respondent No.3. Respondent No.3 has tendered a proposal for approval treating the petitioner as *Shikshan Sevak*, which is contrary to the scheme framed by the State Government.

6 Respondent No.3, in these circumstances, shall transmit a fresh proposal, seeking approval to the appointment of petitioner as an Assistant Teacher with effect from 16.06.2014, as expeditiously as possible, preferably within a period of eight months from today. Respondent No.1 – Education Officer, on receipt of the proposal shall take appropriate decision, in

accordance with law, as regards granting provisional approval to the appointment of petitioner as an Assistant Teacher, without insisting for validity certificate and subject thereto, as expeditiously as possible, preferably within a period of three months from the date of receipt of proposal.

7 Rule is accordingly made absolute. There shall be no order as to costs.

A.I.S.CHEEMA
JUDGE

R.M.BORDE
JUDGE

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