

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

48 WRIT PETITION NO. 5881 OF 2016

DEVANAND NAGNATHRAO KODTIWAR
VERSUS
EDUCATION OFFICER LATUR AND OTHERS

...

Advocate for Petitioners : Mr. Phatale Sagar S
AGP for Respondents State: Mr. v. M.Kangane
Advocate for Respondent No.3: Mr. S.B. Coudhari

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

DATE : 25th July, 2016

ORDER:

1. Heard learned counsel for the respective parties.

2. The petitioner is employed as an Assistant Teacher in respondent No.3 School as against the vacancy earmarked for Scheduled Tribe category. The tribe certificate issued to the petitioner is submitted for verification to the Scheduled Tribe Scrutiny Committee and proposal for verification is stated to be pending. The Education Officer , on account of failure of the petitioner to submit validation certificate, has not granted approval to the appointment of the petitioner. In fact, as per policy of the State Government, respondent No.1 Education Officer ought to have accorded approval subject to the decision in

respect of the validation claim forwarded to the Scrutiny Committee. This petition, as such, stands disposed of with directions to respondent No.1 Education Officer to pass appropriate orders on the proposal tendered by the Educational Institution/School for according approval to the appointment of the petitioner as expeditiously as possible, preferably within a period of eight weeks from today and it is accordingly directed.

3. Respondent No.1 Education Officer shall not refuse to accord approval merely on the ground of failure of the petitioner to submit validation certificate and it would be open for the concerned respondent to accord approval subject to the decision in respect of the validation claim pending with the Committee.

4. With the directions as above, writ petition is disposed of.

(K. L. WADANE, J.)

(R. M. BORDE, J.)

JPC