

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4163 OF 2015

Tukaram s/o Nivrati Putwad,
Age-27 years, Occu:Service,
R/o-Kalkawadi, Post-Bori,
Tq-Kandhar, Dist-Nanded.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
Tribe Department,
Mantralaya, Mumbai-32,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R),
- 3) The Administrative Officer,
Marathwada Shikshan Prasarak Mandal,
Aurangabad,
- 4) The Head Master,
New High School, Selu,
Tq-Selu, Dist-Parbhani,
- 5) The Sub Divisional Officer,
Kandhar, Tq-Kandhar,
Dist-Nanded,
- 6) The Education Officer (Secondary),
Zilla Parishad, Parbhani,
Dist-Parbhani.

...RESPONDENTS

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Mr.P.V. Jadhavar Advocate for Petitioner.
Mr.S.S. Dande, A.G.P. for Respondent Nos. 1,
2, 5 and 6.
Mr.D.J. Choudhary Advocate for Respondent
No.4.

...

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

DATE : 2ND FEBRUARY, 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 has been appointed as Shikshan Sevak as against reserved vacancy prescribed for Scheduled Tribe category. The Petitioner claims to be belonging to Koli Mahadev, Scheduled Tribe and the caste validation proposal

tendered to the Scrutiny Committee for verification is stated to be pending.

3. Since the tribe claim in respect of the Petitioner is pending with the Scrutiny Committee for consideration, the Respondent No.2 Scrutiny Committee is directed to take decision on the validation proposal pertaining to the Petitioner pending with the Scrutiny Committee as expeditiously as possible, preferably within ONE YEAR from today.

4. The Petitioner makes a grievance that although he has completed three years tenure as Shikshan Sevak, he is not being paid salary in the pay-scale prescribed for the Assistant Teacher on completion of the requisite period prescribed under the Government policy. In view of the scheme formulated by the State Government concerning the appointment and service regulations of the Shikshan Sevak, the Petitioner on completion of

period of three years, shall have to be accommodated in employment as an Assistant Teacher and shall also be required to be paid salary in the prescribed pay-scale.

5. Respondent Nos.3, 4 and 6 are directed to regularize the services of the Petitioner in the cadre of Assistant Teacher provisionally and shall also pay the salary in the pay-scale prescribed for the Assistant Teacher from the date of completion of his three years tenure as a Shikshan Sevak, i.e. since 17th November 2012. The arrears receivable by the Petitioner shall be computed and paid within period of SIX MONTHS from today. The Petitioner shall be entitled to be continued in employment as an Assistant Teacher, however, subject to the decision of the Scrutiny Committee in respect of the tribe certificate validation claim pending with the Scrutiny Committee.

6. Rule is accordingly made absolute in above terms. There shall be no order as to costs.

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

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[R.M. BORDE, J.]