

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

WRIT PETITION NO. 7768 OF 2015

Ganesh Vasant Shinde,
Age : 27 Years, Occu. : Service,
R/o At Post Shelty, Tq. Shahada,
Dist. Nandurbar.

.. Petitioner

Versus

1. The Scheduled Tribe Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar.

2. The Chief Executive Officer,
Zilla Parishad, Dhule,
Tq. & Dist. Dhule.

3. The Education Officer (Primary),
Zilla Parishad, Dhule,
Tq. & Dist. Dhule.

4. The Block Education Officer,
Panchayat Samiti, Shirpur,
Tq. Shirpur, Dist. Dhule.

.. Respondents

Shri Vijay Patil, Advocate for the Petitioner.

Mrs. M. A. Deshpande, A.G.P. for the Respondent No. 1.

Shri N. N. Desale, Advocate for Respondent Nos. 2 and 3.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 22ND AUGUST, 2016.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. Mr. Patil, the learned counsel for the petitioner submits that, the petitioner was appointed as a Shikshan Sevak vide appointment order dated 31.03.2012 by the respondent No. 2. The petitioner is appointed from reserved category. The proposal seeking validity in respect of his caste claim was referred to the Committee. This Court vide order dated October 22nd 2012 in Writ Petition No. 8704 of 2012 had directed the Committee to decide the proceedings within a period of six months. However, same is not yet decided. The learned counsel submits that, though after completion of three years of his service, the petitioner is entitled to be confirmed as Assistant Teacher, the said benefit is not conferred on the petitioner on account that the caste claim of the petitioner is not decided. The learned counsel states that, the petitioner may be given the benefits of an Assistant Teacher.

3. The learned counsel for the respondent Nos. 2 and 3 submits that, as the petitioner is appointed from the reserved category and the validity is not yet issued, as such the petitioner is not given the said benefits.

4. We have heard the learned Assistant Government Pleader also.

5. This Court vide order dated 22nd October, 2012 passed in Writ Petition No. 8704 of 2012 had directed the Committee to decide the validation proceedings within a period of six months. Four years have almost lapsed and as per the contention of the petitioner the same is not yet decided. The Committee shall endeavour to dispose of the said proceedings expeditiously.

6. The respondent No. 1/Committee shall decide the validation proceedings in respect of the caste claim of the petitioner, if, not already decided expeditiously and preferably within a period of six (06) months from today. The petitioners shall co-operate in expeditious disposal of the proceedings. The respondent No. 3 shall not withhold the benefits available to the petitioner on his appointment as Shikshan Sevak and completion of his tenure as Shikshan Sevak and subsequently treating him as Assistant Teacher only on the ground that validation proceedings are pending. In case the respondent No. 3 finds petitioner to be eligible to be treated as a Assistant Teacher on completion of his period of Shikshan Sevak, then the benefits of the same shall be given expeditiously and preferably within a period of four (4) months from today. The petitioner shall appear before the respondent No. 1 on 06.09.2016. The benefits that

would be granted would be subject to the decision of the Committee in the validation proceedings.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/August 16