

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.10035 OF 2016

Laxman s/o Potanna Tondakur

Petitioner

Versus

State of Maharashtra & others

Respondents

Mr.S.M.Vibhute, advocate for the petitioner

Mr.S.B.Yawalkar, A.G.P. for Respondents No.1, 2 and 4.

**CORAM : R.M.BORDE &
SANGITRAO S. PATIL, JJ.
DATE : 15th November, 2016**

PER COURT:

1 Petitioner claims to belong to Mannervarlu, Scheduled Tribe and is in receipt of tribe certificate issued by the competent authority.

2 The petitioner has been appointed as Assistant Professor in Respondent No.3-College as against a vacancy earmarked for Scheduled Tribe category. Petitioner claims that the tribe certificate issued to the petitioner has been referred for verification to Respondent No.4-Committee and the proposal is stated to be pending.

3 The petitioner has completed probation period and is entitled to claim regularisation. A proposal in that regard has been forwarded by the College on 05.06.2015 to the Joint Director of Higher Education, Aurangabad. However, the concerned authority has returned the proposal on account of failure of the petitioner to tender validity certificate along with the proposal.

4 It is not within reach of the petitioner to secure validity certificate within stipulated period since petitioner does not have any

control over the proceedings conducted by the Scrutiny Committee. The petitioner cannot be put to any disadvantage as a result of failure of the Scrutiny Committee to take decision on the proposal of the petitioner in respect of verification of his tribe certificate.

5 In the peculiar facts and circumstances of this case, this petition can be disposed of by issuing a direction to Respondent No.4-Committee to take decision on the proposal of the petitioner in respect of verification of his tribe certificate, pending with the Committee, as expeditiously as possible, preferably within one year from today; and it is accordingly directed. Petitioner undertakes to cooperate the Scrutiny Committee for expeditious disposal of verification claim. Respondent No.3-College is directed to resubmit the proposal for releasing payment of salary to the petitioner as a regular employee and the Joint Director of Higher Education, Aurangabad, shall consider the proposal on its own merits without being impeded by petitioner's failure to submit validity certificate. Petitioner shall be considered to be a regular employee provisionally subject to the final decision on the proposal of the petitioner for verification of his tribe certificate pending with Respondent No.4-Committee.

6 With the directions as above, writ petition stands disposed of.

SANGITRAO S. PATIL
JUDGE

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R.M.BORDE
JUDGE