

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.11745 OF 2015

Sunil s/o Damu Gawali,
Age-28 years, Occu:Nil,
R/o-Walsangvi, Tq-Bhokardan,
Dist-Jalna.

...PETITIONER

VERSUS

- 1) The State of Maharashtra,
Through it's Secretary,
General Administration Department,
Mantralaya, Mumbai-32,
- 2) The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R),
- 3) The Chief Executive Officer,
Zilla Parishad, Wardha,
Tq. & Dist-Wardha,
- 4) The Deputy Chief Executive Officer,
Zilla Parishad, Wardha,
Tq. & Dist-Wardha.

...RESPONDENTS

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Mr.Pratap V. Jadhavar Advocate for Petitioner.
Mr.B.V. Virdhe, A.G.P. for Respondent
Nos.1 and 2.
Mr.P.S. Paranjape Advocate for Respondent
Nos.3 and 4.

...

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

DATE : 4TH 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 claims to be belonging to "Koli Mahadeo", Scheduled Tribe and is in receipt of tribe certificate issued by the competent authority. The Petitioner has been selected for being appointed as Junior Assistant (Clerk) in Zilla Parishad services. However, since the Petitioner has failed to tender validation certificate, actual order of appointment has not been issued. The Petitioner contends that the validation proposal tendered by him to the Scrutiny Committee is pending consideration since

March 2015.

3. In this view of the matter, this Petition can be disposed of by issuing direction to Respondent No.2 - Scrutiny Committee to take decision on validation proposal pertaining to the Petitioner, as expeditiously as possible, preferably within period of ONE YEAR from today and it is accordingly directed.

4. The State Government has issued a Resolution on 12th December 2011 instructing the appointing authorities coming within the purview and the control of the State Government, to issue orders of appointments to the selected candidates belonging to reserved categories, provisionally, subject to the out-come of the proceedings of the validation of caste certificate, in the event such candidate does not possess the validation certificate. The Resolution has been issued by the State Government in view of the Judgment of the

Division Bench in the matter of Shrikant Chandrakant Saidane vs. State of Maharashtra, in Writ Petition No.2136 of 2011, decided on 25th August 2011.

5. In this view of the matter, the Respondent Nos.3 and 4 are directed to issue appointment letter to the Petitioner and permit him to resume the services in pursuance to his selection on the post of Junior Assistant (Clerk), as expeditiously as possible, preferably within the period of SIX WEEKS from today. The appointment of the Petitioner shall be provisional and subject to out-come of the validation proposal pending with Respondent No.2 - Scrutiny Committee.

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

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

[R.M. BORDE, J.]