

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11584 OF 2015

Sarika Waman More

Petitioner

Versus

The State of Maharashtra
and others

Respondents

Mr.R.J.Nirmal, advocate for the petitioner.

Mr.V.M.Kagane, A.G.P. for Respondents No.1 & 2.

Mr.M.N.Navandar, advocate for Respondent No.3.

CORAM : R.M.BORDE &

A.I.S.CHEEMA, JJ.

DATE : 03rd March, 2016

PER COURT:

1 Heard learned Counsel for respective parties.

2 Petitioner claims to belong to Koli Mahadev, a Scheduled Tribe and is in receipt of tribe certificate issued by the competent authority, certifying that she belongs to aforesaid tribe. The tribe certificate, secured by the petitioner, has been referred for verification to the Scrutiny Committee and the proposal is stated to be pending.

3 Learned A.G.P., appearing for Respondent-Scrutiny Committee, states that decision on the pending proposal would be taken within a period of three months from today.

4 Statement made is accepted. Respondent No.2 – Scrutiny Committee is directed to take decision on the proposal of the petitioner for verification of her tribe certificate, within a period

of three months from today.

5 It is not a matter of dispute that petitioner was selected for appointment to the post of Assistant Professor, Plant Pathology in the process of selection initiated in the year 2015 by Respondent No.3. However, petitioner was not issued letter of appointment on the ground that she does not possess validity certificate. The appointment of the petitioner was for a period of eleven months commencing from 17.08.2015. There is also a condition prescribed in the letter of appointment that such appointment is liable to be terminated even before completion of period of eleven months.

6 Learned Counsel appearing for Respondent No.3 – University points out that since petitioner was not entitled to resume duties, the post has been filled in by transferring one Smt.Meenakshi Patil. It is also informed that there is one post available at Agriculture College/ University at Parbhani. During pendency and disposal of proposal for verification of tribe certificate before the Scrutiny Committee, petitioner can be permitted to resume duties provisionally, subject to decision of the Scrutiny Committee. Such a step would also be in consonance with the policy of the State Government reflected from various Government Resolutions as well as in consonance with the directives issued by this Court in several judgments.

7 In this view of the matter, we direct Respondent No.3- University to permit the petitioner to join duties in pursuance to the selection made earlier as an Assistant Professor, Plant Pathology at either of the places. The tenure of appointment shall

be as mentioned in the letter of appointment issued to the petitioner, that is, tenure of the petitioner shall be for remainder of the period prescribed in the letter of appointment. It would be open for the petitioner to compete and participate in the process of selection for the next academic year or any time thereafter. The provisional appointment of the petitioner shall be subject to outcome of the decision of the Scrutiny Committee in respect of verification of tribe certificate of the petitioner. Petitioner shall be permitted to resume duties in pursuance to her selection, within a period of four weeks from today.

8 In view of the above directions, writ petition stands disposed of.

A.I.S.CHEEMA
JUDGE

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R.M.BORDE
JUDGE