

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

WRIT PETITION NO. 9056 OF 2016

Meera d/o Narhari Sirsewad

...Petitioner

VERSUS

The State of Maharashtra & ors.

...Respondents

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Shri S.M.Vibhute, advocate for petitioner

Shri Y.G.Gujarati, A.G.P. for respondent nos.1 to 3

Shri Ramchandra S. Patil, advocate for respondent no.4

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CORAM : S.V.GANGAPURWALA & K.L.WADANE, JJ.

DATED : 20th January, 2017

O R D E R :-

Though respondent no.4 is served, none appears for respondent no.4.

2. Mr. Vibhute, learned counsel for the petitioner states that the petitioner is appointed as an Assistant Teacher on probation in 2013 from reserved Scheduled Tribe category. Approval was also granted to the appointment of the petitioner on no grant basis for the period of probation. Upon completion of the probation period, the management submitted proposal for regularisation of the

services of the petitioner. The said proposal is not considered by the Education Officer on the ground that validity certificate is not submitted.

3. Learned A.G.P. states that as the petitioner is appointed from reserved category, his services certainly cannot be regularised unless validity is submitted. It is for the Committee to decide the validation proceedings. It appears that the validation proceedings are pending since October, 2013. It is for the Committee to decide the same.

4. Considering the above, we pass following order.

Respondent no. 2 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner, expeditiously, preferably within eight months. The petitioner shall cooperate in expeditious disposal of the proceedings. The petitioner shall appear before the Committee on 8.2.2017.

The proposal submitted by the management with regard to the petitioner shall be decided by the Education Officer afresh and shall not be

rejected only on the ground that it is not accompanied with validity certificate. However, respondent nos. 3 and 4 can take further course of action depending upon the judgment of the Committee in the validation proceedings.

The Writ Petition accordingly disposed of.

No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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