

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

Writ Petition No. 12423 of 2017

District : Nanded

Vikram s/o. Madhavrao Shankpale,
Age : 22 years,
Occupation : Nil,
R/o. House No. 1133,
Naikwadi Galli, Biloli,
Taluka Biloli,
District Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Water Resources Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification
Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad.
3. The Chief Engineer
(Water Resources),
Water Resources Department,
Aurangabad,
Sinchan Bhavan,
Jalna Road, Aurangabad,
Dist. Aurangabad.
4. The Executive Director,
Vidharbh Patbandhare Vikas
Mahamandal, Nagpur.

.. Respondents.

With

Writ Petition No. 12431 of 2017

District : Nanded

Priyanka d/o. Balaji Pedewad,
Age : 21 years,
Occupation : Education,
R/o. Latur Phata,
Near Reliance Office,
Nanded,
Taluka & District Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Secretary,
Water Resources Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Caste
Certificate Verification
Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad.
3. The Chief Engineer
(Water Resources),
Water Resources Department,
Aurangabad,
Sinchan Bhavan,
Jalna Road, Aurangabad,
Dist. Aurangabad.
4. The Executive Director,
Vidharbh Patbandhare Vikas
Mahamandal, Nagpur.

.. Respondents.

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Mr. S.M. Vibhute, Advocate, for the petitioners.

*Mr. P.S. Patil, Asst. Government Pleader, for
respondent nos.01 to 04.*

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**CORAM : S.V. GANGAPURWALA &
SMT. VIBHA KANKANWADI, JJ.**

DATE : 01ST NOVEMBER 2017

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

01. At the request of the learned Counsel for the petitioners, leave granted to add party - respondent. Learned Asst. Government Pleader waives service of notice on behalf of the added respondent.

02. The petitioners have participated in the selection process pursuant to the advertisement issued by respondent no.03 for the post of Junior Engineer from reserved category. The proceedings regarding verification of their tribe claim is pending with respondent no.02 - Committee. The selection process is already commenced. The petitioners seek provisional appointment pursuant to the Government Resolution dated 12th December, 2011.

03. It is submitted that the petitioner in Writ Petition No. 12431 of 2017 has forwarded the proposal on 06th September, 2017 and the proposal of the petitioner in Writ Petition No. 12423 of 2017 is pending since the year 2014 with the Committee for validation.

04. To adjust the equities, we pass the

following order :

(a) Respondent no.02 - Committee shall decide the proceedings in respect of tribe claim of the petitioners, expeditiously and preferably within a period of four months from the date of appearance of the petitioners before the Committee.

(b) The petitioners shall cooperate with the Committee in expeditious disposal of the proceedings in respect of their tribe claim and they shall appear before the Committee on 13th November, 2017.

(c) The petitioners shall be considered in the selection process. In case, the petitioners in the selection process on merit qualify for being appointed on the post they had applied, then the posts where the petitioners are held eligible to be appointed, shall be kept vacant till validation proceedings of the petitioners are decided.

(d) In case, the proceedings are decided in favour of the petitioners, then the employer can take further steps to appoint the petitioners, if they are held eligible to be appointed on merit.

(e) In case, tribe claim of the petitioners are invalidated, then the posts can be filled in by appointing other eligible candidates.

05. With the above directions, the Writ Petitions are disposed of.

(Smt. Vibha Kankanwadi)
JUDGE

(S.V. Gangapurwala)
JUDGE

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