

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

Writ Petition No. 11624 of 2016

District : Nanded

Purushottam s/o. Gangadharrao
Kamthewad,
Age : 29 years,
Occupation : Service,
R/o. Kushnoor,
Taluka Naigaon (Kh.),
District Nanded.

.. Petitioner.

versus

1. The State of Maharashtra,
Through Tribal Development
Department,
Mantralaya, Mumbai.
2. The Chief Executive Officer,
Zilla Parishad, Parbhani,
District Parbhani.
3. The Block Development Officer,
Panchayat Samiti, Jintur,
District Parbhani.
4. The Block Education Officer,
Panchayat Samiti, Jintur,
District Parbhani.
5. The Head Master,
Zilla Parishad High School,
Charthana, Taluka Jintur,
District Parbhani.
6. The Scheduled Tribe Caste
Certificate Verification
Committee, Aurangabad,
Through its Dy. Director (R),
Aurangabad.

.. Respondents.

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

*Mr. A.R. Kale, Asst. Government Pleader, for
respondent nos.01 and 06.*

*Mrs. Renuka Ghule, Advocate, for respondent
nos.02 to 05.*

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**CORAM : R.M. BORDE &
K.L. WADANE, JJ.**

DATE : 28TH APRIL 2017

ORAL JUDGMENT (Per R.M. Borde, J.):

Heard learned Counsel for respective parties.

02. Rule. Rule made returnable forthwith. With the consent of the parties, the petition is taken up for final hearing.

03. The petitioner claims to be belonging to Mannerwarlu, Scheduled Tribe. He has been appointed as Primary Teacher against a seat reserved for Scheduled Tribe category in a school operated by the Zilla Parishad. The tribe certificate verification proposal of the petitioner was referred to the Scrutiny Committee in the year 2016. However, as a result of certain typographical mistake in mentioning tribe in the original certificate, the propsal has

not been dealt with by the Scrutiny Committee on merits. A separate petition is filed by the petitioner, being Writ Petition No. 5839 of 2017 against the order of the Scrutiny Committee and it would be disposed of shortly since arguments are heard and matter is reserved for judgment. Even otherwise, unless the tribe claim of an employee is rejected on merits, the employer would not be justified in taking any adverse action against such employee.

04. Though the petitioner has completed 03 years of probation on 08.03.2015, he has not been paid salary as per pay scale prescribed for probationary Teachers and his services have not been regularized. It would be appropriate for the respondent - employer to regularize services of the petitioner in the category of Primary Teacher, subject to result of the tribe certificate validation proposal.

05. Hence, the Petition is allowed.

Respondent nos.02 to 05 are directed to issue orders in respect of regularization of services of the petitioner as Primary Teacher expeditiously. The petitioner shall also be paid salary in the pay scale prescribed for Primary Teacher from the date of regularization i.e. 08.03.2015. Arrears of salary, until the date of actual regularization, shall be

paid within a period of 04 (four) months from today.

06. Rule made absolute accordingly. There shall be no order as to costs.

(K.L. Wadane)
JUDGE

(R.M. Borde)
JUDGE

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