

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

WRIT PETITION NO. 12295 OF 2016

Dattatry Devidas Sonwale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri R. B. Bagul, A.G.P. for the Respondent No. 1.

Shri P. R. Tandale, Advocate for the Respondent No. 2.

The Respondent No. 3 is served.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH FEBRUARY, 2017.

PER COURT :

. Mr. Phatale, the learned counsel for the petitioner states that, the petitioner is appointed as an Assistant Teacher on 11.03.2013. The proposal is forwarded to the respondent No. 2 for grant of approval to the service of the petitioner as an Assistant Teacher. The same is not yet decided. The learned counsel submits that, the petitioner is appointed from S. T. category and his tribe claim as belonging to S. T. category is referred to Scrutiny Committee for validation. The same is pending with the respondent No. 2. The respondent No. 2 be directed to grant approval to the service of the petitioner as an Assistant Teacher.

2. Mr. Tandale, the learned counsel for the respondent No. 2 submits that, as the petitioner is appointed from the reserved category, still he has not submitted the validity certificate. The same is rightly not granted by the Education Officer (Primary).

3. We have also heard the learned Assistant Government Pleader for the respondent No. 1.

4. It is not disputed that the tribe claim of the petitioner seeking validity is pending with the Scrutiny Committee. It would take time for the committee to decide the same. It is not disputed that, the petitioner is discharging his duties with the respondent No. 3. The respondent No. 2 can consider the proposal submitted by the respondent No. 3 seeking approval to the appointment of the petitioner as Assistant Teacher provisionally, which would be subject to the decision of the Scrutiny Committee regarding tribe claim of the petitioner. Said proposal shall be considered by the respondent No. 2 expeditiously and preferably within a period of three (03) months from today. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of eight (08) months from today. The writ petition is disposed of. No costs.

[K. L. WADANE, J.]

[S. V. GANGAPURWALA, J.]