

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.13828 OF 2016

VRUSHALI SADASHIV HELEKAR)...PETITIONER

V/s.

THE STATE OF MAHARASHTRA & ORS.)...RESPONDENTS

Mr.A.R.Kapadnis i/b. Mr.Balaji Shinde, Advocate for the Petitioner.

Mr.S.B.Kalel, AGP for the Respondent Nos.1 and 4 - State.

**CORAM : SHANTANU S. KEMKAR &
A. M. BADAR, JJ.**

DATE : 26th APRIL 2017

P.C. :

Not on board. Taken on production.

2 Aggrieved by the letter dated 7th March 2015 Exhibit F
issued by respondent no.3 whereby withholding the payment of
grant of pay scale to the petitioner on the ground that petitioner's
caste validity claim is pending before the respondent no.4
Divisional Caste Verification and Scrutiny Committee, Thane, the
petitioner has filed this petition.

3 According to the petitioner, for no fault of his, the caste validity claim of the petitioner is pending before the fourth respondent and for want of the said certificate, the petitioner, though is working since 2009, is deprived of the pay scale, for which the petitioner is entitled for.

4 In support of his claim, the learned counsel for the petitioner has relied on judgment of the Division Bench of this court at Aurangabad in **Writ Petition No.7435 of 2015 in the matter of Ashok Ushanna Kotpolu vs. Education Officer (Secondary) Zilla Parishad, Latur, and Others decided on 2nd September 2015.**

5 We have heard the learned counsel for the petitioner and the learned AGP for respondent nos.1 and 4. In spite of service of notice on respondent nos.2 and 3, they are not present.

6 Keeping in view the judgment passed by the Division Bench at Aurangabad, in our considered view, the withholding of

the grant of pay scale on the ground that the petitioner has failed to submit the caste validity certificate is not proper. The petitioner cannot be made to suffer for not taking the decision by the Committee with promptitude.

7 In the circumstances, we dispose of this petition by directing the respondent nos.2 and 3 to pay the petitioner the prescribed admissible pay scale for the post of Assistant Teacher on completion of three years of service as Shikshak Sevak, as also the arrears to the petitioner, as expeditiously as possible, but not later than four months from the date of receipt of this order.

8 We also direct the Caste Scrutiny Committee to decide the petitioner's caste validity claim within a period of four months from the date of the receipt of copy of this order.

9 Petitioner to appear before the Caste Scrutiny Committee on 15th May 2017 at 11.00 a.m.

10 With the aforesaid directions, the petition is disposed
of.

(A. M. BADAR, J.)

(SHANTANU S. KEMKAR, J.)