

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.5788 OF 2018

Rajendra S/o Vithal Thakur

Petitioner

Versus

The State of Maharashtra and others

Respondents

Mr. A.S. Golegaonkar advocate for the petitioner

Mr. S.M. Ganachari, AGP for respondent – State

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CORAM : R.M. BORDE & A.M. DHAVALÉ, JJ

(Date: 14TH JUNE, 2018)

PER COURT :-

1 The petitioner claims to belong to Thakur, scheduled tribe community. He has been appointed as an Assistant Teacher since 1996 as against a reserve category seat.

2 In the year 2013, the caste certificate issued to the petitioner was forwarded for verification to the scrutiny committee. It is informed that on 31.5.2014, the vigilance report is tendered which has been served on petitioner on 19.3.2014. The petitioner has tendered reply to the vigilance report on 30.3.2015. In spite of the aforesaid progress in the matter, the scrutiny committee has not yet decided the validation proposal. The petitioner, as such, is being threatened with an adverse action and has not been paid salary since February 2018.

3 Considering the circumstances, we deem it proper to issue directions to the scrutiny committee to take decision on the tribe certificate verification proposal of the petitioner pending with respondent No.2 committee as expeditiously as possible and preferably within six months from today and it is accordingly directed.

4 It would be open for the petitioner to tender an application to the Education Officer, Zilha Parishad, Pune for issuing necessary directions for release of his salary. The petitioner would be entitled to receive salary for the period during which he has performed the function of a teacher and since we are issuing directions to scrutiny committee to take decision in respect of caste verification proposal, it is desirable for the Education Officer to direct the concerned to release the salary of the petitioner. The future course of employment of the petitioner would obviously be dependent upon the outcome of the verification proposal pending with the scrutiny committee.

5 With the directions as above, the writ petition is disposed of.

(A.M. DHAVALÉ, J)

(R.M. BORDE, J)