

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

WRIT PETITION NO. 12181 OF 2017

Savita Sayanna Muttepod .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 and 6.

The Respondent Nos. 2 to 5 are served.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND FEBRUARY, 2018.

FINAL ORDER :

. The learned counsel for the petitioner states that, the validation proceeding in respect of tribe claim of the petitioner is pending. The petitioner was appointed on 05.01.2009 as a Shikshan Sevak. The petitioner completed period as Shikshan Sevak on 04.01.2012 and from 05.01.2012 the petitioner ought to have been considered as Assistant Teacher. The petitioner is continued in service, however, is not paid salary as an Assistant Teacher, nor is being considered.

2. Though respondent Nos. 2, 3, 4 and 5 are served, none appears for respondent Nos. 2, 3, 4 and 5.

3. We have also heard the learned Additional Government Pleader for respondents/State.

4. Considering the fact that, validation proceeding is pending with the Committee, we pass following order.

5. The respondent/Committee shall decide the validation proceeding in respect of tribe claim of the petitioner expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall appear before the Committee on 06.03.2018.

6. The respondents shall not refuse to consider the case of the petitioner for grant of regular pay scale on the ground that validation proceeding is pending. Of course, even if same is considered, it would be considered provisionally subject to decision of the Committee in the validation proceeding. The petitioner shall file an undertaking with the respondent/employer that in case his claim is invalidated, she would return the benefits that she would get. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]