

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

20 WRIT PETITION NO.2865 OF 2019

SANDIP KADUBA DANDGE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioners : Mr. Bayas Anandsingh
AGP for Respondents State: Mr. K. N. Lokhande

**CORAM : S. V. GANGAPURWALA &
MANGESH S. PATIL, JJ.**

DATE : 25th July, 2019

PER COURT:

1. Learned counsel for the petitioner submits that the petitioner is selected from S.T. category for the post of Laboratory Attendant, however is not issued appointment order only on the ground that validation proceeding is pending. According to the learned counsel, for reserved category candidates other than S.T. category, provisional appointment orders are issued subject to submitting validity within six months. The petitioner is discriminated. The learned counsel refers to the order passed by this Court dated 11.01.2019 in Writ petition No.431/2019 to submit that even same recourse is resorted to in case of S.T. candidates as is made applicable for S.C. and other reserved category candidates.

2. In case the petitioner is otherwise eligible and selected, then the respondents shall not withhold issuance of provisional appointment order only on the ground that his validation proceeding is pending. The provisional appointment given shall be subject to the decision of the the committee in the validity proceeding.

3. In case the tribe claim of the petitioner is invalidated, the petitioner will be liable for termination from service. The provisional appointment order if issued in favour of the petitioner, would not create any right in the petitioner.

4. Writ petition is accordingly disposed of. No costs.

(MANGESH S. PATIL, J.)

(S.V.GANGAPURWALA, J.)

JPC