

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

WRIT PETITION NO. 8851 OF 2019

**MOHINI UTTAMRAO KOLI
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Rakhunde Pravin B

AGP for Respondents No. 1 & 6 :

Mr. S. B. Pulkundwar

Advocate for Respondents No. 2 & 3 :

Mrs. Manjushri Shendge

...

**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE: 18th DECEMBER, 2019

PER COURT:

1. The learned counsel for the petitioner submits that the petitioner has completed three years as Shikshan Sevak long back. The validation proceeding is also pending since the year 2013.

2. According to the respondents, as the petitioner is appointed from the reserved category and has not submitted the validity certificate is not paid the salary.

3. If the petitioner is working with the Zilla Parishad, then he is entitled for the salary. The respondent committee shall decide the validation

proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within a period of four (04) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 26.12.2019.

4. In case, the petitioner is working with the respondent, then respondent shall not withhold the salary of the petitioner as Assistant Teacher only on the ground that validation proceeding is pending. The same shall be considered provisionally subject to the decision of the committee in the validation proceeding. The employer may take further course of action depending upon the judgment that will be delivered by the committee in the validation proceeding.

5. Writ Petition stands disposed of accordingly.
No costs.

[AVINASH G. GHAROTE, J.] [S. V. GANGAPURWALA, J.]

marathe