

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

WRIT PETITION NO. 12058 OF 2018

Nitin Mahendra Kamble

.... Petitioner

Versus

The State of Maharashtra & Ors.

.... Respondents

.....

Shri. Girish N. Kulkarni (Mardikar), Advocate for the petitioner

Shri. K. B. Jadhavar, AGP for respondents/State

Shri. N. T. Tribhuvan, Advocate for respondent No. 3

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

DATE : 12TH FEBRUARY, 2019

ORAL ORDER:

. The proposal seeking approval to the appointment of the petitioner as Shikshan Sevak is rejected.

2. We have heard learned counsel for the parties. The petitioner is appointed under order dt. 31.12.2011 and has joined on 01.01.2012 as contended by the petitioner. The proposal is rejected only on two counts, firstly, the roster is not approved and secondly, the petitioner did not possess the validity certificate.

3. It is submitted that, the roster is approved on 31.07.2012 and the proposal seeking verification of his caste claim is pending with the Committee.

4. Considering the above, we pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) The Education Officer shall reconsider the proposal seeking approval to the appointment of the petitioner afresh after considering the roster as approved and applicable as on the date of the appointment of the petitioner and the said proposal shall be considered subject to the validity being produced by the petitioner.
- (iii) Of course, if the proposal is approved, the Management can take further steps depending upon the judgment that would be delivered by the committee in the validation proceedings.
- (iv) The respondent-Education Officer shall consider all other aspects of the matter on its own merits .
- (v) The same shall be decided afresh, expeditiously, preferably within four months from today.

(vi) The Scrutiny Committee shall decide the validation proceedings in respect of the caste claim of the petitioner, expeditiously, preferably within six months.

5. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVALA]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

Punde