

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

17 WRIT PETITION NO.13848 OF 2019

RAJENNA HANMANT JETEWAD .. Petitioner
VERSUS
THE STATE OF MAHARASHTRA
THROUGH SECRETARY AND OTHERS .. Respondents

...
Advocate for Petitioner : Shri Sunil M. Vibhute
AGP for Respondents – State : Shri S.G. Sangle
Advocate for Respondent No.3 : Shri S.B. Pulkundwar

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

DATE : NOVEMBER 19, 2019

PER COURT : -

1. Heard Shri Vibhute, the learned counsel for the petitioner, Shri Sangle, the learned AGP for respondent nos.1 and 2 and Mr. Pulkundwar, the learned counsel for respondent no.3.
2. It is submitted that, the petitioner is selected for class – III post, however is not issued with the appointment order only on the ground that the validation proceeding is pending.
3. The validation proceeding is pending since 2014.
4. The petitioner relies on the Govt. Resolution dtd. 12.12.2011 to contend that, if the validation proceeding is pending, then the provisional appointment can be given.
5. In fact the validation proceedings ought to have been

decided by now.

6. In light of that, we pass the following order.

ORDER

(i) The respondent no.2 Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously, preferably within six months from the date of appearance of the petitioner.

(ii) The petitioner shall appear before the Committee on 04.12.2019.

(iii) In case, the petitioner is otherwise eligible and there is no other impediment, then the appointment of the petitioner on class – III post shall not be withheld only on the ground that the validation proceeding is pending. The petitioner can be given a provisional appointment till the validation proceeding is decided. The said provisional appointment would be subject to the decision that would be taken by the Committee in the validation proceedings.

7. With the aforesaid observations, the writ petition is disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE