

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
86 WRIT PETITION NO.1941 OF 2020

GANESH VIJAYSING THAKUR

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...
Mr. Sushant C. Yeramwar, Advocate for the
Petitioner.

Mr. S. G. Karlekar, AGP for Respondents-State.

...

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATED : 12th FEBRUARY, 2020.

PER COURT:-

1. The learned counsel submits that the petitioner is selected for the post of Clerk-cum-Typist, however, the appointment order is not issued only on the ground that the validity certificate has not been issued by the Committee. The validation proceeding is pending. The employer had only forwarded the proposal for validation. The petitioner relies on the Government Resolution dated 12.12.2011.

2. The learned A.G.P. submits that, as the validity is not produced, the appointment order cannot be issued.

3. The petitioner also relies on the judgment of the Division Bench of this Court in Writ Petition No.5882/2016 dated 03.08.2016.

4. Considering the Government Resolution dated 12.12.2011 and the fact that the validation proceeding is pending, the respondents shall consider the claim of the petitioner for provisional appointment and shall not refuse to appoint the petitioner provisionally, if the petitioner is otherwise eligible only on the ground that validation proceeding is pending.

5. The further steps can be taken by the respondents depending upon the judgment that would be delivered by the Committee in the validation proceeding. The Committee shall decide the validation proceeding expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner before the Committee. The petitioner shall appear before the Committee on 02.03.2020.

6. Writ Petition is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE