

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14012 OF 2018

Vilas s/o Sugriv Godge

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr V.R. Jain (Kamboj), Advocate for Petitioner

Mr S.G. Karlekar, A.G.P. for Respondent Nos. 1, 2 and 5

Mr S.B. Choudhari, Advocate for Respondent Nos. 3 and 4

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 19th OCTOBER, 2020

PER COURT :

1. It is submitted that the validation proceeding in respect of the tribe claim of the petitioner is pending with respondent No. 5-Committee. It is further submitted that proposal seeking approval to the appointment of the petitioner is forwarded by respondent Nos. 3 and 4 to respondent No.

2. The respondent No. 2 replied that respondent No. 3 should submit the prior permission to the advertisement, validity certificate and certified copy of the roster. It is contended by the learned Counsel for the petitioner.

2. We have heard the learned Assistant Government Pleader and Mr. Choudhari, the learned Counsel for respondent Nos. 3 and 4.

3. It is for the Committee to decide the validation proceeding. The respondent No. 5 - Committee shall decide the validation proceeding in

respect of the caste claim of the petitioner if pending before it within a period of nine months from the date of appearance of the petitioner before the Committee.

4. The petitioner shall appear before the Committee on 25th November, 2020.

5. In case the proposal and the appointment of the petitioner complies with all legal formalities, then the proposal for approval shall not be withheld only on the ground of non-submission of validity certificate. The respondent No. 2 may consider grant of provisional approval in case of non-submission of validity certificate at present. However, the respondent No. 2 certainly would consider Section 5 of the Maharashtra Employees of Private Schools (Conditions of Service) Regulation Act, and also the approved roster, the availability of the post for the petitioner and all other relevant aspects. The proposal seeking approval to the appointment of the petitioner shall be decided within a period of four months.

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

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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