

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

1060 WRIT PETITION NO.8744 OF 2021

DATTU RAMESH INGLE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Deepak D. Choudhari & Mr. Ramesh B. More.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.3 : Mr. Y. R. Marlapalle.

...

AND

1061 WRIT PETITION NO.8752 OF 2021

RAMDAS KONDIRAM GAWALE
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Deepak D. Choudhari & Mr. Ramesh B. More.

AGP for Respondent/State: Mr. S. P. Tiwari.

Advocate for Respondent No.3 : Mr. Y. R. Marlapalle.

...

AND

1062 WRIT PETITION NO.8756 OF 2021

GOPAL SHESHRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Deepak D. Choudhari & Mr. Ramesh B. More.

AGP for Respondent/State: Mr. S. G. Karlekar.

Advocate for Respondent No.3 : Mr. Y. R. Marlapalle.

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CORAM : **S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATE : 27th October, 2021.

PER COURT:

. The learned counsel for petitioners submits that the petitioners are selected pursuant to the selection process conducted by the respondents for the post of junior clerk. Appointment orders are not issued only on the ground that the validity certificate is not submitted.

2 The petitioners rely on clause 19.2 of the advertisement to submit that in case validation proceeding is pending, provisional appointment can be given subject to the decision in the validation proceeding.

3 Mr. Marlapalle, learned counsel for respondent No.3 submits that the Government Resolution dated 21st December, 2019 would apply wherein the appointments to the reserved post are to be made from the persons possessing validity certificates. According to the learned counsel, the nature of the work performed in the office of respondent No.3 is of confidential nature. Respondent No.3 cannot take risk of placing the work in the hands of provisional employee.

4 The Government Resolution dated 21st December, 2019 would apply in case of filling up supernumerary post and placing the persons on supernumerary post if validity certificates are not submitted and/or caste claims are negated.

5 Clause 19.2 of the advertisement pursuant to which the selection process was conducted and the petitioners are selected is abundantly clear. The said clause provides that the persons selected from reserved category shall submit validity certificate within six months and in the interregnum they are to be appointed provisionally.

6 Reliance is also placed on the earlier order passed by this Court such as order dated 5th October, 2020 in Writ Petition No.772 of 2020.

7 In light of the above, we pass the following order:

ORDER

- I. The petitioners shall appear before the Scrutiny Committee on 22nd November, 2021.
- II. The Committee shall endeavour to decide the proceedings expeditiously, preferably within six months.
- III. In case the petitioners are otherwise eligible, then the respondents may not withhold the appointment orders of the petitioners only on the ground that the validity certificate is not submitted.

- IV. The respondents can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.
- V. The writ petitions are disposed of. No costs.

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[R. N. LADDHA, J.]

[S. V. GANGAPURWALA, J.]