

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

WRIT PETITION NO. 10557 OF 2021

Samadhan Baburao More

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. D. D. Choudhari, Advocate for the Petitioner.

Mr. P. K. Lakhotiya, AGP for Respondent Nos. 1 and 2.

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

DATED : 23rd September, 2021.

PER COURT:-

. The learned counsel for the petitioner submits that the petitioner is selected as a Junior Clerk pursuant to the selection process from “Scheduled Tribe” category. The proposal seeking validation of the Scheduled Tribe certificate is pending with the committee. The appointment order is not issued to the petitioner only on the ground that the petitioner has not produced the validity certificate.

2. Clause 19.2 of the advertisement itself provides that if the petitioner is appointed from reserved category, the temporary appointment can be issued subject to the decision in the validation proceeding.

3. In the light of the above, we pass the following order.
4. The appointment order of the petitioner shall not be withheld only on the ground that validation proceeding is pending.
5. The appointment given to the petitioner would be temporary / provisional appointment. In case, the tribe certificate of the petitioner is invalidated, the petitioner will not be entitled to retain appointment and the respondents can take steps to cancel the appointment. The petitioner would not be entitled for equity.
6. The petitioner shall cooperate in expeditious disposal of the proceeding. The petitioner shall appear before the Scrutiny Committee on 27.10.2021. The committee shall thereafter endeavour to decide the proceeding expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner.
7. The employer may take further course of action depending upon the judgment that would be delivered by the committee in the validation proceeding.
8. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.