

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

WRIT PETITION NO.10815 OF 2021

ANIKET AJABSING GUSINGE

..PETITIONER

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS ..RESPONDENTS

...

Mr. Sunil M. Vibhute, Advocate for the Petitioner.

Mr. S. B. Pulkundwar, AGP for Respondents-State.

...

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

DATED : 07th OCTOBER, 2021.

PER COURT:-

1. The learned Counsel for the petitioner submits that, the proceedings have been referred to by the employer before the Scrutiny Committee for validation. The petitioner is not issued with the appointment order only on the ground that the validation proceedings are pending and the petitioner has to produce the validity certificate. The same is contrary to Clause-16 of the advertisement and the Government Resolution dated 12.12.2011.

2. We have considered the submissions canvassed by the learned Counsel for the respective parties. We have also perused the Government Resolution dated 12.12.2011 which says that in case the candidate is selected from reserved category

then subject to the said candidate producing validity certificate, appointment order can be issued. Considering the above, we pass the following order:-

ORDER

(i) Respondent No.2 - Committee shall decide the validity proceedings of the petitioner expeditiously and preferably within one year. The petitioner shall co-operate in expeditious disposal of the said proceedings.

(ii) In case the petitioner is otherwise eligible and competent to be appointed pursuant to the selection process, then the appointment of the petitioner shall not be withheld only on the ground that the validity proceedings are pending. In that case, the respondent can issue provisional appointment order to the petitioner subject to the decision of the Committee in validation proceedings.

3. Writ petition is accordingly disposed of.
No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE