

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

WRIT PETITION NO. 12056 OF 2021

Satish Gouraji Gundawar
Age : 32 years, Occu : Nil,
R/o. Tamlur, Tq. Degloor,
Dist. Nanded

.. Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Tribal Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Deputy Director (R)
3. The Registrar,
Vasantrao Naik Marathwada Krushi
Vidyapith, Parbhani, Tq. & Dist. Parbhani .. Respondents

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Mr. Pratap V. Jadhavar, advocate for the Petitioner.
Mr. S.B. Yawalkar, AGP for the Respondent / State
Mr. M.N. Navandar, Advocate for Respondent No.3

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**CORAM : MANGESH S. PATIL &
SANDEEP V. MARNE, JJ.**

DATE : 13-09-2022

ORAL JUDGMENT (MANGESH S. PATIL, J.) :

. Heard. Rule. Rule is made returnable forthwith. The
learned advocates and the learned AGP waive service for the

respective respondents. At the joint request of the parties, the matter is heard finally at the stage of admission.

2. The petitioner is seeking provisional appointment since he was selected on a reserved post, in view of the Government Resolution dated 12.12.2011.

3. Learned advocate Mr. Jadhavar for the petitioner submits that pursuant to the advertisement the petitioner was selected against a reserved category post. He was having a caste certificate, but was not having caste validity certificate. Pursuant to the Government Resolution dated 12.12.2011, a provisional appointment ought to have been given subject to the result of the validation proceeding, which was to be completed within six months. However, no such procedure was followed and even now the proceeding before the Scrutiny Committee is pending.

4. Learned Advocate Mr. Navandar submits that time and again the petitioner was informed the requirement of undergoing the process of scrutiny, still he had not responded positively. This has resulted in the delay. Though the respondent - University is bound by the Government Resolution dated 12.12.2011, the petitioner ought to have taken steps for getting the validation proceeding decided at the

earliest, therefore, the petition be dismissed.

5. Learned AGP Mr. Yawalkar submits that the validity proceeding is under active consideration. A Vigilance Report is awaited and the decision would be taken within six months.

6. There cannot be a dispute that the petitioner was selected against a reserved category post and was supposed to get the caste validity certificate within six months. However, the Government Resolution dated 12.12.2011 issued pursuant to the directions of this Court in a bunch of writ petitions specifically provides for giving of provisional appointments, which would be subject to the ultimate decision in the validity proceeding. If such is the state of affairs, it was incumbent upon the respondent - University to have issued provisional appointment order and then should have waited for the decision of the Scrutiny Committee.

7. In the circumstances, we allow the writ petition directing the respondent - University to give provisional appointment to the petitioner on the post selected within a period of four weeks from today. The respondent - Scrutiny Committee shall now decide the petitioner's proceeding within six months. The appointment of the

petitioner shall be subject to the outcome of the validity proceeding.

8. Rule is made absolute.

(SANDEEP V. MARNE, J.)

(MANGESH S. PATIL, J.)

GGP