

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

935 WRIT PETITION NO.6566 OF 2023

Gajanan Suryakant Surewad,
Age 29 years, Occ. Service as
Laboratory Assistant, R/o. Co.
Narsinha Junior College, Umardari,
Tq. Mukhed, Dist. Nanded.

... **Petitioner**

VERSUS

- 1) The State of Maharashtra,
Through its Secretary,
School Education Department
Mantralaya, Mumbai 32.
- 2) The Deputy Director of Education,
Latur Division, latur.
- 3) The Schedule Tribe Verification
Committee, Kinwar Divison, Kinwat,
Through its Member Secretary.
- 4) The Narsinha Junior College,
Umardari, Tq. Mukhed, Dist. Nanded,
Through its Principal.

... **Respondents**

...

Advocate for Petitioner : Mr. Patil Indrale Anand Vinayakrao
AGP for Respondent/State : Mr. A.S. Shinde

CORAM : **MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.**

DATE : **27.06.2023**

PER COURT :

Heard the learned advocate for the petitioner and the learned A.G.P

2. The petitioner who has been serving as a laboratory assistant is

seeking approval to his appointment and is also praying for salary. The proposal forwarded by the management school for grant of approval has been turned down by the impugned communication dated 19.05.2023 by the respondent No. 2-Deputy Director of Education on the ground that the petitioner was appointed against a post reserved for scheduled tribe and so long as there was no validity certificate, no approval could be granted.

3. The learned A.G.P points out a Government resolution dated 12.12.2011 apparently issued pursuant to the orders of this Court in Writ Petition No. 2126/2011 in the matter of Shrikant Chandrakant Saidane Vs. Maharashtra State and connected matters. It lays down the modalities to be followed while granting appointments against post reserved for Scheduled Castes and Scheduled Tribes and mentions that the appointments would be provisional and subject to the decision by the scrutiny committees. It also enjoins the candidates with the responsibility to obtain the caste validity certificates within six months.

4. In view of such a Government resolution, though the petitioner has been appointed against a post reserved for scheduled tribe and even if his appointment would continue to be temporary and subject to the ultimate decision of the scrutiny committee, it cannot be expected that the petitioner would have some role in deciding his proposal pending with the scrutiny committee. Admittedly, as we have noticed in the order dated 19.06.2023 petitioner's proposal is pending with the scrutiny committee.

5. The situation of the petitioner can certainly be appreciated. His claim is pending with the respondent No. 3-scrutiny committee which is unable to decide it and in the meantime he is supposed to discharge the duty but for want of a Shalarth I.D. for disbursement of the salary in the portal he will not get the salary

6. Such an awkward situation cannot be countenanced. We allow the writ petition partly. We direct the respondent No. 2-Deputy Director of

Education to take appropriate steps for allotting Shalarth ID. to the petitioner and to disburse the salary, as early as possible and in any case within four weeks.

7. The respondent No. 3-scrutiny committee shall decide the petitioner's proposal as expeditiously as possible and in any case within six months from today.

8. The petitioner shall cooperate the scrutiny committee in early disposal of the proposal and shall not protract it.

(SHAILESH P. BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-