

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

WRIT PETITION NO. 2391 OF 2022

Shri Dilip s/o Haribhau Bharsakale,
Aged about 52 years,
Occupation – Service,
R/o At Post Asalgaon, Tq. Jalgaon
Jamod, District – Buldhana.

.... **PETITIONER**

VERSUS

- 1) The State of Maharashtra,
through its Secretary,
Education and Sports Department,
Mantralaya, Mumbai -32.
- 2) Addl. Commissioner,
Tribal Development, in front of Police
Headquarters, Behind T.B. Hospital,
Camp, Amravati, District Amravati.
- 3) Project Director,
Integrated Tribal Development Project,
Akola, District – Akola.
- 4) Vidarbha Mahila Welfare Society Ltd.,
Jalgaon (Jamod), District – Buldhana,
Through its President/Secretary.
- 5) Head Master,
Late Ajay Tapare Smruti Vidya Mandir,
Madhyamik Adivasi Ashram Shala,
Jalgaon (Jamod), District – Buldhana.

.... **RESPONDENTS**

Mr. G.G. Mishra, Counsel for the petitioner,
Mr. S.M. Ukey, Addl.G.P. for respondents 1 to 3.

CORAM : ROHIT B. DEO & Y.G. KHOBRADE, JJ.

DATED : 9th FEBRUARY, 2023

ORAL JUDGMENT : (PER : R.B. DEO, J.)

We restrict the notice to respondents 1, 2 and 3.

2. The learned Additional Government Pleader Mr. S.M. Ukey waives service on behalf of respondents 1, 2 and 3. It would not be necessary to issue notices to respondents 4 and 5 considering the grievance.

3. **Rule.** Rule made returnable forthwith by consent of the parties.

4. The petitioner is assailing the communication dated 17-11-2020 addressed by the Additional Commissioner, Tribal Development, Amravati to the Project Director, Integrated Tribal Development Project, Akola, whereby the proposal submitted by the management of the Ashram School is returned.

5. As many as eleven deficiencies in the proposal are articulated in the communication impugned.

6. The first deficiency is that the proposal for approval to the Graduate Pay Scale is directly submitted by the management and not through the Project Officer, Akola. Several other deficiencies are

pointed out including the absence of, documentary proof of the educational qualifications, the resolution of the management, the confidential reports, the completion of training and the caste validity certificate.

7. We find that the petition is absolutely premature. All that is done by the Additional Commissioner, Tribal Development, Amravati is to return the proposal pointing out certain deficiencies. It is open to the management to cure the deficiencies and submit revised proposal to the Additional Commissioner, Tribal Development, Amravati through proper channel.

8. However, the learned Counsel Mr. G.G. Mishra points out that there is an observation in the communication impugned that the petitioner is entitled to the Graduate Pay Scale from 26-6-2007 whereas the petitioner is entitled to the said scale from 01-7-1995. This aspect shall be duly considered and addressed by the authority as and when a proper and complete proposal is submitted by the management through proper channel.

9. We expect respondents 4 and 5 to submit an appropriate proposal through proper channel to respondent 3 within four weeks from the date of producing of this order.

10. On receipt of the proposal from respondents 4 and 5-management, respondent 3-Project Director, Akola shall forward the same to respondent 2-Additional Commissioner, Tribal Development, Amravati within two weeks and respondent 2 shall take an appropriate decision within three weeks of the receipt of the proposal. We expect respondent 2 to consider the submission of the petitioner that he is entitled to the Graduate Pay Scale from 01-7-1995, on its merits and in accordance with law.

11. The petition is disposed of accordingly.

(Y.G. Khobragade, J.)

(Rohit B. Deo, J.)

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