

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL  
AURANGABAD BENCH, AURANGABAD**

**ORIGINAL APPLICATION NO. 877 OF 2012**

**DISTRICT : PARBHANI**

Bhagwat Ganesh Talware,  
Age 27 years, Occu. Service,  
R/o Malewadi, Taluka Gangakhed,  
District Parbhani - 431514.

**....APPLICANT**

**VERSUS**

1. The State of Maharashtra,  
Through Chief Presenting Officer,  
MAT, Aurangabad.
2. The President of District Selection Committee-  
Cum Collector, Parbhani.

**.....RESPONDENTS**

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**APPEARANCE** : Shri A.M. Nagarkar, learned Advocate for the  
Applicant.

: Shri D.R. Patil, learned Presenting  
Officer for the Respondents.

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**CORAM:HON'BLE SHRI RAJIV AGARWAL, VICE CHAIRMAN (A)**

**AND**

**HON'BLE SHRI J.D. KULKARNI, MEMBER (J)**

**DATE : 21.10.2016.**  
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**O R D E R**

**(Per : Shri Rajiv Agarwal (Vice-Chairman))**

1. Heard Learned Advocate Shri A.M. Nagarkar for the  
Applicant and Shri D.R. Patil, learned Presenting Officer for the  
Respondents.

2. This Original Application has been filed by the Applicant seeking appointment as Peon on the establishment of the Respondent no. 2 viz. Collector, Parbhani.

3. Learned Advocate for the Applicant argued that the Applicant had applied for the post of Peon, pursuant to the advertisement issued by the Respondent no. 2 on 24.02.2012. A total of 6 posts were required to be filled, out of which 1 posts was reserved for S.T. Category. The Applicant had applied from S.T. category and he was selected. Learned Advocate for the Applicant contended that though the Applicant has been found eligible for appointment as Peon, no appointment order has been issued on the ground that he had failed to produce Caste Validity Certificate. Learned Advocate for the Applicant had applied to the Scrutiny Committee for grant of Caste Validity Certificate. However, the matter is pending with the Committee. As per G.R. dated 12.12.2011, he cannot be denied appointment and he is entitled to be appointed pending production of Caste Validity Certificate .

4. Learned Presenting Officer (P.O.) argued on behalf of the Respondents that the Applicant was already appointed as

'Kotwal' under the Respondent No. 2. However, he has not yet produced Caste Validity Certificate. Other selected candidates for the post of Peon were given appointment orders subject of production of Caste Validity Certificate within six months from the date of order, which was 28.6.212. The Applicant, who was appointed earlier as Kotwal, has not produced caste validity certificate even today. In the O.A., he has not given any details regarding his application for Caste Validity Certificate, which he alleges is pending with the Scrutiny Committee. Learned Presenting Officer argued that there is nothing on record to show that the Applicant had applied for Caste Validity Certificate. There is no question of giving him provisional appointment.

5. We have carefully gone through the contents of this O.A. It is seen that the Applicant is seeking provisional appointment as Peon from S.T. category. Admittedly, he had not produced Caste Validity Certificate regarding his Schedule Tribe (S.T.) status. He is seeking benefit of G.R. dated 12.12.2011, which provides for provisional appointment of a backward class candidate, pending validation of his caste claim. In the present case, the Applicant is already appointed as 'Kotwal' and he has not produced Caste Validity Certificate for that post. He is seeking

further appointment as Peon. In para 6 of the O.A., the Applicant has stated in para 6(6) as below:

*“6.....The caste claim of the applicant pending before the Caste Scrutiny Committee” (Sic).*

6. A similar claim is made in para 6 (8) of O.A. However, the Applicant has given no details viz. when he submitted the application for validation of caste certificate, before which committee, he had applied and what efforts were made by him for obtaining caste validity certificate. In our opinion, if the Applicant wanted benefit of G.R. dated 12.12.2011, he was required to disclose these details. In absence of any such details, it is difficult to hold that the application of the Applicant for Caste Validation Certificate is pending. We are unable to give any directions to the respondents, to give him appointment from S.T. category as Peon.

7. Learned Advocate for the Applicant contended that if the Applicant is not considered from S.T. category, he may be considered from Open category. We are unable to accept this request as there was only one post to be filled from Open Category, which was reserved for Women category. The Applicant could not have been considered for that post.

8. Having regard to the aforesaid facts and circumstances of the case, this O.A. is dismissed with no order as to costs.

**J.D KULKARNI  
(MEMBER J)**

**RAJIV AGARWAL  
(VICE-CHAIRMAN)**

**KPB - DB OA NO. 877/2012 SENIORITY RA**