

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

WRIT PETITION NO. 1136 OF 2015

Vikas S/o Radhaji Mane,
Age : 25 Years, Occu. : Service,
R/o Ahmednagar,
Tq. & Dist. Ahmednagar. .. Petitioner

Versus

1. The State of Maharashtra,
Through the Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 32.
2. Scheduled Tribe Certificate Scrutiny
Committee, Adiwasi Vikas Bhavan,
Old Agra Road, Nashik,
Through its Secretary.
3. Anand Education society,
Anandnagar, Gulmohar Road,
Ahmednagar,
Through its Secretary.
4. The Head Master,
Anand Vidyalaya (Primary Section),
Anandnagar, Gulmohar Road,
Ahmednagar.
5. The Education Officer (Primary),
Zilla Parishad, Ahmednagar .. Respondents

Shri Anil S. Golegaonkar, Advocate for the Petitioner.
Smt. S. A. Dhumal, A.G.P. for the Respondent No. 1.
Shri Ashok B. Tele, Advocate for the Respondent No. 2.
Shri P. V. Barde, Advocate for Respondent Nos. 3 and 4.
The Respondent No. 5 served.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.
DATE : 10TH MARCH, 2015.**

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. It is submitted by the learned counsel for the petitioner that, validation proceedings in respect of tribe claim of the petitioner are pending consideration with the Committee. However, the employer has terminated the services of the petitioner only on the ground of non submission of validity certificate. According to the learned counsel, it is for the Committee to decide the said proceedings.

3. Mr. Barde, the learned counsel for the employer states that, as the petitioner was appointed from reserved category and did not produce the validity certificate, the order is rightly passed.

4. Mr. Tele, the learned counsel for the Committee on instructions states that, the Committee would decide the

validation proceedings within a period of two months from today.

5. To get the proceedings decided within a particular period is not in the hands of a litigant. The respondent/employer ought not have taken action of termination only on the ground that validity certificate is not submitted. It is a fact that, proceedings for validation are pending consideration with the Committee. Even vigilance has been conducted and report is submitted and the petitioner has filed reply to the same.

6. Considering the above, we pass the following order.

7. The respondent No. 2/Committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of two (2) months from today. The petitioner shall appear before the Committee on 23.03.2015. The order issued by the respondent No. 3 terminating the services of the petitioner is quashed and set aside. However, the petitioner will not be entitled for the salary from the date of termination till the passing of present order. The said period however shall be counted for the purpose of continuity in service and other consequential benefits.

8. The employer can take further steps in tune with the judgment of the Committee in validation proceedings. The

Committee shall communicate the decision to the petitioner as well as the employer. In case any adverse order is passed by the Committee, the petitioner has remedy open.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[V. L ACHLIYA, J.]

Sd/-

[S. V. GANGAPURWALA, J.]

bsb/March 15