

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 1423 OF 2015

SHAMKANT DAJMAL SHRIRAO

VERSUS

THE STATE OF MAHARASHTRA AD ANOTHER

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Advocate for Petitioner :Mr. S. M. Vibhute h/for Mr. Murge Estling S.

AGP for Respondents-State: Mr. S. K. Tope

Advocate for Respondent No.2 : Mr. K. D. Bade Patil

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**CORAM : S. V. GANGAPURWALA &
V. L. ACHLIYA , JJ.****DATE : 6th February, 2015****PER COURT :**

1. Mr. Vibhute, the learned counsel for the petitioner submits that under misconception of law, the petitioner had filed an application stating that the petitioner does not want to proceed further with the validation proceedings. However, in view of the judgment of the Full Bench of this Court in the case of **Arun Vishwanath Sonone Vs. The State of Maharashtra and others** reported in **2015 (1) MLJ 457**, it would be necessary to proceed with the validation proceedings so as to claim protection in service. Mr. Bade Patil, the learned counsel for the Committee submits that the petitioner, on his own, withdrew the validation proceedings and on that basis the committee has decided the validation proceedings, no illegality is committed by the committee.

2. We have considered the submissions canvassed by the learned counsel for the respective parties.

3. It appears that the petitioner is appointed in the year 1993. Even if

the claim is invalidated, the petitioner may seek protection in service. To seek protection in service, the validation proceedings are required to be decided as per judgment of the **Arun Vishwanath Sonone** referred supra. It appears that the petitioner had given application for withdrawal of validation proceedings probably relying upon the some earlier judgments delivered by this Court. The Full Bench has made it clear that it would be necessary for the petitioner to get the validation proceedings decided. The learned counsel submits that vigilance is also concluded. On the ground of equity, we set aside the impugned order passed by the committee.

4. The committee shall decide the validation proceedings in respect of tribe claim of the petitioner as belonging to Tokare Koli -ST afresh, expeditiously, preferably within six months.

5. The petitioner shall appear before the committee on 2nd March, 2015.

6. Writ petition is accordingly disposed of. No costs.

(V. L. ACHLIYA, J.)

(S. V. GANGAPURWALA, J.)

JPC