

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

WRIT PETITION NO. 2078 OF 2014

Mohammad Abdul Naeem Mohammad
Bashir Ali .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri M. C. Swami, Advocate for the Petitioner.
Shri D. B. Bhange, A.G.P. for Respondent Nos. 1 and 2.
Shri A. B. Tele, Advocate for the Respondent No. 3.
Shri Umakant K. Patil, Advocate for the Respondent No. 4.

**WITH
WRIT PETITION NO. 2079 OF 2014**

Abdul Hafiz Abdul Majid .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri M. C. Swami, Advocate for the Petitioner.
Shri D. B. Bhange, A.G.P. for Respondent Nos. 1 and 2.
Shri A. B. Tele, Advocate for the Respondent No. 3.
Shri Umakant K. Patil, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 23RD JANUARY, 2015.

PER COURT :

. We have heard Mr. Swami, the learned counsel for petitioners, the learned Assistant Government Pleader, the learned counsel for the respondent No. 3/Scrutiny Committee and Mr. Patil, the learned

counsel for the employer.

2. In view of the judgment of the Full Bench of this Court in a case of **Arun Sonawane Vs. The State of Maharashtra and others** reported in **2015(1) Mh.L.J. 457** the prayers of the petitioners cannot be considered. The petitioners will have to approach the Committee for validation of their tribe certificates and it is only if the tribe certificates are invalidated otherwise than on the ground of fraud, then only the petitioners can claim protection in service if appointed before the enactment of the Maharashtra Scheduled Caste, Scheduled Tribe, De-notified Tribes (Vimukta Jati), Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of Issuance and Verification of) Caste Certificate Act, 2000.

3. In the light of the above, the writ petitions stand disposed of. Needless to state that, in case any adverse orders are passed in the validation proceedings by the Scrutiny Committee against the petitioners, the petitioners will have liberty to assail the said order as is permissible in law. The petitioners shall submit tribe certificates to the employer within a period of 30 days from the date of this order and the employer may refer the same to the Scrutiny Committee. Till the validation proceedings are pending, the employer shall not take any adverse action against the petitioners only on the ground that validation proceedings are pending. The Scrutiny Committee shall decide the validation

proceedings expeditiously and preferably within a period of one (1) year from the date of receipt of the same. The petitioners shall co-operate in expeditious disposal of the validation proceedings.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 15