

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

WRIT PETITION NO. 2497 OF 2014

Meena Namsingh Rajput

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vivek U. Jadhav, Advocate for the Petitioner.

Shri D. B. Bhange, A.G.P. for the Respondent No. 1.

Shri K. D. Bade Patil, Advocate for the Respondent No. 2.

Shri M. C. Swami, Advocate for the Respondent No. 3.

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

DATE : 23RD JANUARY, 2015.

PER COURT :

. We have heard Mr. Jadhav, the learned counsel for the petitioner, the learned Assistant Government Pleader, the learned counsel for the respondent No. 2/Scrutiny Committee and Mr. Swami, 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 petitioner cannot be considered. The petitioner will have to approach the Committee for validation of his tribe certificate and it is only if the tribe certificate is invalidated otherwise than on the ground of fraud, then only the petitioner 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. Mr. Jadhav, the learned counsel submits that, the validation proceedings are pending consideration with the respondent No. 2/Scrutiny Committee.

4. In the light of the above, the writ petition stands disposed of. Needless to state that, in case any adverse orders are passed in the validation proceedings by the Scrutiny Committee against the petitioner, the petitioner will have liberty to assail the said order as is permissible in law. Till the validation proceedings are pending, the employer shall not take any adverse action against the petitioner 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 petitioner shall co-operate in expeditious disposal of the validation proceedings.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]