

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 3246 OF 2015
WITH CA/8753/2015 IN WP/3246/2015

DATTA GANGARAM SUBANWAD
VERSUS
STATE OF MAHARASHTRA AND OTHERS

...
Advocate for Petitioner : Mr. Golegaonkar Anil S.
AGP for Respondent No.1: Mr. S.G. Sangle
Advocate for Respondent No.2 : Mr. K.D. Bade Patil
Advocate for respondent No.3: Mr. M.N. Navandar
.....

**CORAM : S. V. GANGAPURWALA AND
V. K. JADHAV, JJ.**

DATED : 6th AUGUST, 2015

P.C. :-

1. Mr. Golegaonkar, the learned counsel for the petitioner submits that initially the tribe claim of the petitioner was invalidated. This Court remitted the matter back to the committee by setting aside the order of the committee and the same is pending with the Committee. However, the respondent employer has issued last notice on 3.7.2015 asking the petitioner to submit the validity within one month and if the validity is not produced, the appointment of the petitioner would be cancelled.

2. Mr. Navandar, the learned counsel for the employer states that even prior to the notice dated 3.7.2015, notices were issued to the

petitioner. The petitioner is appointed from reserved category and is taking benefit of reservation, as such has to produce the validity.

3. Mr. K.D. Bade Patil, the learned counsel for the committee states that some time is required for the committee to decide the proceeding.

4. Considering the above, it is for the committee to decide the proceeding and the petitioner to co-operate in getting the proceeding decided expeditiously.

5. In the light of above, we pass the following order:-

O R D E R

- I. The Committee shall decide the proceeding in respect of the tribe claim of the petitioner, expeditiously preferably within six months. The petitioner shall co-operate in expeditious disposal of the said proceeding.
- II. Till the validity proceedings are decided the respondent employer shall not take any adverse action against the petitioner only on the ground that validation proceedings are pending. Of course, the respondent

employer can proceed further in tune with the judgment of the committee in validation proceeding.

III. In the case the petitioner's claim for salary is pending, the respondent shall consider the same expeditiously.

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

6. In view of disposal of writ petition, civil application is also disposed of.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/