

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

WRIT PETITION NO.3722 OF 2015

Deepa Narayan Baiswal,
Age 39 years, Occ. Service,
R/o Gunjal Colony, Khadka Road,
Bhusawal, Taluka Bhusawal,
District Jalgaon.

... PETITIONER

VERSUS

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai - 400 032
2. The Divisional Caste Certificate
Scrutiny Committee, Dhule,
through its Member,
having its office at Dhule,
District Dhule.
3. The Superintendent of Police,
Jalgaon, District Jalgaon

(Copies to be served for R.No.1 to 3
on Government Pleader, High Court
of Bombay, Bench at Aurangabad) ...

RESPONDENTS

.....
Shri A.R. Syed, Advocate for petitioner
Mrs. S.D. Dhumal, A.G.P. for respondents
.....

CORAM: S.V. GANGAPURWALA AND
 A.I.S. CHEEMA, JJ.

DATED: 6th April, 2015.

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

1. Leave to correct respondent No.2. Amendment to be carried out forthwith. Notice to respondents. Learned A.G.P. waives service for all respondents.

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

3. Mr. A.R. Syed, learned counsel for the petitioner submits that the validation proceedings in respect of the caste claim of the petitioner is pending consideration. This Court, in Writ Petition No.6992/2013, on 9.12.2013, had passed an order directing the Committee to decide the validation proceedings preferably within eight months and had also directed the respondents to issue provisional appointment order. However, on 20.3.2015, a notice is issued to the petitioner by the respondent No.3 directing that if within 15 days validity

certificate is not submitted, then the further steps would be taken. According to the learned counsel, it is not in the hands of the petitioner to get the validation proceedings decided within the stipulated period.

4. The learned A.G.P. submits that, if the validation proceedings are pending, the same would be decided on its own merits.

5. It is not disputed that, vide order dated 9.12.2013, in Writ Petition No.6992/2013, this Court had directed the Committee to decide the proceedings within eight months. The same are not yet decided. Vide the said order, the respondent No.2 was directed to give provisional appointment to the petitioner. To get the validation proceedings decided within a particular time-frame is not in the hands of a litigant. Considering the above, we pass the following order :

6. The Committee shall adhere to the directions given by this Court in Writ Petition No.6992/2013, vide order dated 9.12.2013.

7. The impugned notice (Exhibit H) is quashed and set aside. The respondents No.1 and 3 shall not take any adverse action against the petitioner only on the ground that the validation proceedings are pending. Of course the respondents No.1 and 3 are entitled to take action in tune with the judgment of the Committee in accordance with the rules. Rule made absolute accordingly. No costs.

(A.I.S. CHEEMA, J.)

(S.V. GANGAPURWALA, J.)