

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

WRIT PETITION NO.4909 OF 2015

Sagar s/o Shivaji Rajwade
Age 18 years, Occu. Student,
R/o Lohara, Taluka Udgir,
District Latur

... PETITIONER

VERSUS

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai - 32
through its Secretary
(Copy to be served on the
Government Pleader, High Court of
Judicature at Bombay,
Bench at Aurangabad.)
2. The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Aurangabad Division, Aurangabad,
through its Secretary.
3. Government Engineering College,
Jalgaon, Near Jilla Udyog Kendra,
National Highway No.6,
Jalgaon - 425 002
through its Principal
4. University of Pune,
through its Registrar.
5. The Director of Technical Education,
Maharashtra State,
3, Mahapalika Marg, P.B. No.1967,
Mumbai - 400 001

... RESPONDENTS

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Shri V.U. Jadhav, Advocate for petitioner
Shri G.K. Thigale, A.G.P. for State
Shri A.B. Tele, Advocate for respondent No.2

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

DATED: 29th April, 2015.

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

1. Rule. Rule made returnable forthwith. Heard finally with the consent of learned counsel for the parties.

2. Mr. Jadhav, learned counsel for the petitioner submits that validation proceedings in respect of the tribe claim of the petitioner as belonging to Koli Mahadev - Scheduled Tribe is pending with the respondent No.2 Committee. However, the respondent No.3 has issued the show-cause-notice stating that as the validity is not submitted, the admission needs to be cancelled. The learned counsel submits that, the validation proceedings are pending since 2012.

3. Mr. Tele, learned counsel for the respondent No.2 Committee submits that, it would take some time to decide the proceedings. Learned A.G.P. for the respondent College submits that as the validity is not submitted and the petitioner has submitted undertaking, the show-cause-notice is rightly issued.

4. We have considered the submissions canvassed by learned counsel for the respective parties. To get the validation

proceedings decided within stipulated period is not in the hands of the litigant. The invalidation proceedings are still pending. It is for the Committee to decide the said proceedings. In light of that, we pass the following order.

5. The respondent No.2 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within nine months. The petitioner shall co-operate in expeditious disposal of the said proceedings.

6. The impugned show-cause-notice (Exhibit C) is quashed and set aside. The respondents can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings. Writ Petition accordingly disposed of. Rule accordingly made absolute. No costs.

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

(S.V. GANGAPURWALA, J.)