

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 4498 OF 2014

KISHOR SANDU THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioners : Shirurkar K T
Adv.Mr.P.S.Patil for respondent no.2
Adv.Mr.Kochar Pundlik S. For R/4&5
AGP for Respondents: Mr.A.S.Shinde

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

DATED : 23rd FEBRUARY, 2015

P.C. :-

Mr.Shirurkar, learned counsel submits that validation proceeding in respect of tribe claim of the petitioner is still pending. However, show cause notice is issued to the petitioner by employer suggesting termination of service of the petitioner. According to the learned counsel, it is for the committee to decide the validation proceeding.

2] Mr.Patil, learned counsel submits that the proposal is received and that the committee would decide the said proceeding in accordance with law.

3] To get the validation proceeding decided within stipulated period is not in the hands of litigant. Considering above, we pass following order :

a] The committee shall decide validation proceeding in respect of tribe claim of the petitioner expeditiously preferably within one year. The petitioner shall cooperate in expeditious disposal of the said proceeding.

b] The impugned show cause notice is quashed and set aside. The respondent employer shall not take any adverse action against petitioner only on the ground that validation proceedings are pending. The employer can proceed further after the judgment of the committee in tune with the judgment of the said committee.

4] Writ Petition is disposed of. No costs.

V.L.ACHLIYA, J.

S. V. GANGAPURWALA, J.

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