

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 5909 OF 2015

Venkat s/o Sambhaji Suryawad
Age : 50 years, Occu. Service,
R/o. Naigaonwadi, Tq. Naigaon (Khai),
District Nanded,
at present Ghansargaon,
Taluka Renapur, District Latur.

... PETITIONER

VERSUS

1. The State of Maharashtra
Through Social Welfare Department,
Mantralaya, Mumbai -32.
2. The Collector,
Latur, District Latur.
3. The Joint Commissioner &
Vice-Chairman,
Scheduled Tribe Caste Certificates
Verification Committee,
Aurangabad Region, Aurangabad.

... RESPONDENTS

.....
Advocate for Petitioner : Mr. B. N. Patil
AGP for Respondent Nos. 1 & 2 : Mr. K. G. Patil
Advocate for Respondent No. 3 : Mr. A. B. Tele
.....

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

DATED : 16th JUNE, 2015

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.):

1. Rule.
2. Rule made returnable forthwith by consent of parties. The learned AGP waives notice of Rule for respondent Nos. 1 and 2 and

Mr. Tele, the learned counsel waives notice of Rule for respondent No. 3.

3. Mr. B. N. Patil, the learned counsel for the petitioner states that the proposal seeking validity in respect of Tribe claim of the petitioner is pending consideration with respondent No. 3 Committee since September, 2013. However, the same is not yet decided. The petitioner was considered for promotion in the year 2012, however, was not promoted on the ground that validity certificate is not obtained. The learned counsel submits that the petitioner ought to have been at least provisionally considered for promotional post.

4. Mr. Tele, the learned counsel submits that because of the huge pendency of matters it would take some time to decide the validation proceedings.

5. Mr. K. G. Patil, the learned AGP submits that as the validity certificate is not obtained, the petitioner is rightly not considered for the promotional post.

6. It appears that the petitioner is appointed in the year 1990. The petitioner was also considered for promotion in the year 2012 as per the contention of the petitioner, but was not promoted on the ground

that the petitioner did not obtain validity.

7. The learned counsel for the Committee states that it would take some time to decide the proceedings. In light of that there is no impediment to consider the petitioner for the promotional post provisionally, subject to the decision of the Committee.

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

ORDER

- I. The Committee shall decide the validation proceedings in respect of Tribe claim of the petitioner expeditiously and preferably within a period of nine months from today. The petitioner shall co-operate in the expeditious disposal of the said proceedings. The petitioner shall appear before the Committee on 01.07.2015.
- II. The respondent Nos. 1 and 2 may consider the petitioner for the promotional post and if found otherwise eligible for the promotional post, may promote him provisionally subject to the decision of the Committee in the validation proceedings. In case the petitioner is promoted provisionally and his Tribe claim is invalidated, the respondents will have every right to

revert the petitioner and/or take such other action in tune with the judgment of the Committee.

III. Rule is made absolute in the above terms. The writ petition accordingly stands disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

rlj/-