

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 5974 OF 2015

MADHAVI DATTA PERKE
 VERSUS
 THE STATE OF MAHARASHTRA AND OTHERS

...
 Advocate for Petitioner : Mr. Vibhute Sunil M.
 AGP for Respondents- State: Mr. K. G. Patil
 Advocate for Respondent No.3 : Mr. A. B. Tele

...
CORAM : S. V. GANGAPURWALA &
V. K. JADHAV, JJ.

DATE : 17th June, 2015

PER COURT :

1. Rule, returnable forthwith. With the consent of the parties, taken of for final hearing.
2. Mr. Vibhute, learned counsel for the petitioner submits that the petitioner is working as peon with respondent No. 2. Respondent No.2 has issued notice for submission of validity certificate, else the petitioner would be terminated from services. According to the learned counsel, validation proceedings in respect of tribe claim of the petitioner as belonging to Mannervarlu- Scheduled Tribe is pending with respondent No.3 Committee.
3. Mr. Tele, the learned counsel for the committee affirms that validation proceedings in respect of tribe claim of the petitioner is pending. Learned AGP states that the petitioner is appointed from reserved category and it is incumbent upon the petitioner to produce validity certificate within stipulated time.

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

5. To get the proceedings decided within stipulated period is not in the hands of litigant. Validation proceedings are pending consideration with the committee. The learned counsel for the committee states that it would take some time to decide the proceedings. In the light of above, we pass following order.

- i. The respondent No. 3 committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within one year. The petitioner shall cooperate in expeditious disposal of the proceedings.
- ii. Till the validation proceedings in respect of tribe claim of the petitioner are pending with respondent No.3 committee, the respondents 1 and 2 shall not take any adverse action against the petitioner only on the ground that her validation proceedings are pending. Of course, the respondents may take further course of action in tune with the judgment of the Committee in the validation proceedings.
- iii. Rule is accordingly made absolute. No costs.
- iv. Authenticated copy be supplied to the parties.

(V. K. JADHAV, J.)

JPC

(S. V. GANGAPURWALA, J.)