

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6849 OF 2015

RAJKUMAR GANGARAM BORALKAR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents 1 and 4: Mr. K. G. Patil
Advocate for Respondent No.2 : Mr. K.D. Bade Patil

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

DATED : 8th JULY, 2015

P.C. :-

1. The petitioner impugns the order thereby withholding the salary of the petitioner on the ground of non submission of validity certificate.
2. According to Mr. Jadhavar, learned counsel for the petitioner, the validation proceedings in respect of tribe claim of the petitioner is pending with respondent No.2 committee. The proposal has been referred to the committee for validation on 31.7.2013 and the same is still pending. It is for the committee to decide the same.
3. Mr. K.D. Bade Patil, learned counsel for the respondent committee submits that considering huge pendency of the matters, it

would take some time to decide the tribe claim of the petitioner.

4. Learned A.G.P. states that the petitioner has been appointed from reserved category and has not submitted the validity certificate as such, rightly the salary of the petitioner is withheld.

5. To get the validation proceedings decided within stipulated period is not in the hands of the litigant. Even as per the learned counsel for the committee it would take some time to decide the tribe claim of the petitioner, considering the huge pendency of the matters. In the light of that, it would not be appropriate to withhold the salary of the petitioner only on the ground that validity is not submitted as the validation proceedings are pending. In the result, we pass the following order:-

O R D E R

- I. The respondents shall not withhold the salary of the petitioner only on the ground that the validation proceedings in respect of tribe claim of the petitioner is pending and that he is not in a position to submit the validity certificate till now. However, the authorities would be entitled to take further course of action

depending upon the judgment delivered by the committee in the validation proceedings.

- II. The committee shall decide the validation proceedings in respect of tribe claim of the petitioner, expeditiously, preferably within nine (09) months. The petitioner shall co-operate for expeditious disposal of the proceeding.
- III. Writ petition is accordingly disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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