

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 7370 OF 2015

Shri Bhatu s/o Arvind Thakur,
Age 28 years, Occ. Service,
R/o Plot No. 149, Nateshwar Colony,
Wakharkar Nagar, Behind Natraj Talkies,
Dhule – 424 001, Tq. & Dist. Dhule.

... Petitioner

Versus

1. The State of Maharashtra
Department of Tribal Development,
Mantralaya, Mumbai -32.
through its Secretary.
2. The Scheduled Tribe Caste Certificate
Scrutiny Committee,
Nandurbar Division, Nandurbar.
Through its Secretary.
3. The Collector,
Office of the Collectorate,
Dhule, Dist. Dhule.

... Respondents

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Advocate for Petitioner : Mr. Anil S. Golegaonkar
AGP for Respondent Nos. 1 and 3 : Mr. K. J. Ghute Patil
Advocate for Respondent No. 2 : Mr. A. B. Tele

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

DATED : 12th AUGUST, 2015

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

1. Rule. Rule made returnable forthwith. By consent of parties,
the matter is taken up for final hearing.

2. The learned counsel for the petitioner states that the validation proceedings in respect of his tribe claim are pending with the Committee since the year 2003. The same are not yet decided. However, the employer has issued notice to produce the validity, otherwise, the services of the petitioner will be terminated.

3. Mr. Tele, the learned counsel submits that the proceedings are pending with Nasik Committee. The same will be transferred to the Nandurbar Committee. The petitioner be directed to appear before the Nandurbar Committee.

4. The learned AGP states that in spite of giving ample opportunity, the petitioner has not produced validity certificate. As such, action is being taken.

5. It is not disputed by the learned counsel for the Committee that the proposal in respect of tribe claim of the petitioner is pending with the Committee and that the same would be transferred to the Committee at Nandurbar. Considering the aforesaid facets of the matter, it would be inappropriate on the part of the respondent employer to terminate the services of the petitioner for the said reason.

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

ORDER

- I. The impugned notice is quashed and set aside.
- II. The Committee shall decide the tribe claim of the petitioner expeditiously and preferably within a period of nine(9) months. The petitioner shall appear before the Nandurbar Committee on 1st September, 2015. The petitioner shall cooperate in expeditious disposal of the validation proceedings.
- II. Till the validation proceedings are decided, respondent No. 2 shall not take any adverse action against the petitioner only on the ground that validation proceedings are pending. Of course, the employer can proceed further in tune with the judgment that would be delivered by the Committee in the validation proceedings.
- III. Rule is made absolute in the above terms. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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