

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

WRIT PETITION NO. 7384 OF 2015

Baburao Khandoba Chandol .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Anant R. Devakate, Advocate for the Petitioner.

Shri S. S. Tope, A.G.P. for Respondent Nos. 1 to 3.

Shri K. D. Bade Patil, Advocate for the Respondent No. 4.

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

DATE : 22ND JULY, 2015.

PER COURT :

. Leave to add party respondents.

2. Issue notice to respondents and added party respondents. The learned A. G. P. waives notice for respondent Nos. 1 to 3. Mr. Bade Patil, the learned counsel waives notice for the respondent No. 4.

3. Mr. Devkate, the learned counsel for the petitioner submits that, the petitioner has been given promotion to the post of Niab Tahsildar vide order dated 17.01.2015. However, the respondent authorities have further stated that, the petitioner should produce validity certificate within one month. The validation

proceedings is pending with the Committee. The learned counsel submits that, it is for the Committee to decide the validity proceedings. The compliance of the said condition could not be complied by the petitioner as it is for the Committee to decide the validation proceedings. This Court has remanded the matter to the Committee for deciding the validation proceedings afresh. The vigilance has been conducted.

2. Mr. Tope, the learned Assistant Government Pleader submits that, validity certificate is required to be submitted within a period of one month of the promotion in view of the Government Resolution dated 05.11.2009 and the circular dated 08.06.2011.

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

4. To get the validation proceedings decided within a particular time frame is certainly not in the hands of a litigant. The litigant can only co-operate in expeditious disposal of the same. The condition imposed to bring the validity certificate within one month is beyond the control of a litigant. The petitioner has been promoted as a Niab Tahsildar. The said promotion can be given provisional subject to the decision of the Committee in validation proceedings.

5. In the light of the above, we pass the following order.

6. The respondents shall not insist upon the petitioner to produce the validity certificate within one month. The promotion given to the petitioner shall not be affected till the decision of the Committee in validation proceedings. Of course, the respondents can take further course of action in tune with the judgment of the Committee in the validation proceedings. The respondent/Committee shall decide the validation proceedings within a period of six (6) months from today. The promotion shall be given to the petitioner provisionally. The State shall take further steps in that direction. The writ petition is disposed of with aforesaid observations and directions. No costs.

[V. K. JADHAV, J.]

[S. V. GANGAPURWALA, J.]

bsb/July 15