

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

WRIT PETITION NO. 6934 OF 2013

Padmakar Vitthalrao Thakur .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri M. S. Deshmukh, Advocate for the Petitioner

Smt. S. D. Shelke, A. G. P. for the Respondent Nos. 1 and 2

Shri P. S. Patil, Advocate for the Respondent Nos. 3 and 4

**CORAM : S. V. GANGAPURWALA AND
V. L. ACHLIYA, JJ.**

DATE : 26TH FEBRUARY, 2015.

PER COURT :

1) Heard Mr. Deshmukh the learned counsel for the petitioner. In view of the judgment of the Full Bench of this Court in case of **Arun Vishwanath Sonone V/s State of Maharashtra and Others** reported in **2015 (1) M. L. J 457**, it would be necessary for the petitioner to get the validation proceedings decided and to produce the caste certificate so as to forward the proposal to the Committee for validation.

2) The question of area restriction would not now be germane, in view of the judgment of the Division Bench of this Court in a case of **Madhuri Nitin Jadhav V/s State of Maharashtra and Others** reported in **2014 (3) M. L. J 900**, which is upheld by the Apex Court.

3) In light of the above we pass the following order -

ORDER

A) The order of the Committee dated 12th December, 1991 is quashed and set aside.

B) The Committee shall decide the validation proceedings in respect of the Tribe Claim of the petitioner afresh on its own merits as per procedure.

C) Till the validation proceedings are decided the respondent No. 2 employer shall not take any adverse action against the petitioner only on the ground that, validation proceedings are pending.

4) Writ petition is accordingly disposed of. No costs.

[V. L. ACHLIYA, J.]

[S. V. GANGAPURWALA, J.]