

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 8354 OF 2015

Ambika D/o Shivaji Surewad
Age 25, Occu. Service
R/o Barbada Tq. Naigaon (kh)
District Nanded.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
2. The Competent Authority/Director,
Directorate of Medical Education and
Research (DMER),
4th Floor, Govt. Dental College and
Hospital, St. Jorge's Hospital Area,
P. Dimelo Road, Fort,
Mumbai.
3. The Dean,
Shankarrao Chavan Government
Medical College, Nanded,
Dist. Nanded.
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

... Respondents

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WITH
WRIT PETITION NO. 8380 OF 2015

Yogeshwari D/o Bhagwan Aitwar
Age 25, Occu. Service,
R/o Bhokar, Tq. Bhokar,
District Nanded.

... Petitioner

Versus

1. The State of Maharashtra
Through its Secretary,
Medical Education and Drugs
Department, Mantralaya,
Mumbai.
2. The Competent Authority/Director,
Directorate of Medical Education and
Research (DMER),
4th Floor, Govt. Dental College and
Hospital, St. Jorge's Hospital Area,
P. Dimelo Road, Fort,
Mumbai.
3. The Dean,
Shankarrao Chavan Government
Medical College, Nanded,
Dist. Nanded.
4. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad. ... Respondents

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Advocate for Petitioners : Mr. Sunil M. Vibhute
 AGP for Respondent/State : Mrs. S. A. Dhumal
 Advocate for Respondent No. 4 : Mr. P. S. Patil and in WP 8354/15
 Advocate for respondent No. 4 : Mr. K. D. Bade Patil in WP 8380/15

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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,
taken up for final hearing.
2. The learned counsel submits that the validation proceedings in
respect of the tribe claim of the petitioners is pending with the

Committee, however, respondent No. 3 has asked the petitioners that the validity certificate should be submitted on 30.08.2015, else, action would be taken.

3. The learned counsel for the Committee accepts that the validation proceedings are pending. The learned counsel submits that as the petitioners have been appointed from reserved category, they are required to submit the validity certificate.

4. We have considered the submissions canvassed by the learned counsel for the respective parties. To decide the proceedings within a particular period is in the hands of the Committee. The petitioners can only cooperate in getting those proceedings decided expeditiously. The learned counsel for the Committee does not dispute that the said proceedings are pending, however, states that it would take some time to decide the same. It appears that the said proceedings are pending since the year 2013. Considering the above, we pass the following order :

ORDER

- I. The impugned notices are quashed and set aside.
- II. The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioners

expeditiously and preferably within period of nine (9) months. The petitioners shall cooperate in expeditious disposal of the said proceedings.

III. The respondent employer shall not take any adverse action against the petitioners only on the ground that the validation proceedings are pending. Of course, the respondent employer can take further course of action in tune with the judgment that would be delivered by the Committee in the validation proceedings.

IV. Rule is accordingly made absolute. The writ petitions are disposed of. No costs.

(V. K. JADHAV, J.)

(S. V. GANGAPURWALA, J.)

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