

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 10135 OF 2014

DILIP KHUMANSING THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Golegaonkar Anil S.
Mr.D.B.Bhange,AGP for Respondent State.
Mr.K.D.Bade Patil,Adv. Vor R.2.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 21st January, 2015.**

PER COURT :

Mr,Golegaonkar, learned counsel submits that the validation proceeding in respect of tribe claim of the petitioner as belonging to Thakur Scheduled Tribe is pending consideration with the committee. The same is not decided inspite of directions of this Court. According to the learned counsel, petitioner is entitled for being promoted as Senior Clerk, however, the promotion orders are not issued only on the ground that validation proceedings are pending. The petitioner was even selected for the promotional post of Senior Clerk in the year 2005.

2] Mr.Bade Patil, learned counsel for committee states that the proceedings will be decided expeditiously.

3] We have heard learned AGP, who states that on account of non submission of validity certificate, petitioner cannot avail benefits of reservation.

3] It is not in the hands of litigants to get validation proceedings decided within stipulated time. Respondents can consider the case of the petitioner for promotion if he is otherwise eligible provisionally, subject to the decision of the committee in the validation proceeding.

4] In light of that, we pass following order :

a] The respondent employer may consider the case of the petitioner for promotion provisionally if the petitioner is otherwise entitled to, subject to the decision of the committee in the validation proceeding. In case the validation proceedings are decided against the petitioner, the petitioner will not claim any right to the said promotional post and the respondent-employer will have every right to revert the petitioner.

5] Writ Petition is disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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