

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO.11238/2014

Shobha Lalchand Thakare
Age 47 years, Occ-Service
R/o PHC Marvad, Tq.Amalner
Dist.Jalgaon.

..PETITIONER

Versus

- 1] The State of Maharashtra
Through its Secretary
Tribal Development Department,
Mantralaya Mumbai
- 2] The Scheduled Tribe
Caste Certificate Scrutiny
Committee, Nandurbar Division,
Nandurbar.
- 3] The Chief Executive Officer,
Zilla Parishad,Jalgaon
- 4] The District Health Officer,
Zilla Parishad, Jalgaon .

..RESPONDENTS.

...
Shri Anandsing Bayas,Adv. for petitioner
Shri D.B.Bhange,AGP for respondent State
Mr.K.D.Bade Patil, Adv. For respondent no.2.
Shri R.L.Kute, Adv. for respondent no.3
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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.
DATE : 28th January, 2015.**

P.C. :

Mr.Bayas, learned counsel submits that validation

proceeding in respect of tribe claim of the petitioner is pending, however on condition of giving undertaking to the employer to produce the validity within 6 months from the date of order of promotion is laid down. According to the learned counsel, it is for the committee to decide the said validation proceeding.

2] Mr.Bade Patil, learned counsel for respondent committee submits that because of huge pendency of matters, some time is required to decide the said proceeding. The Committee would endeavour to decide the same within one year. Mr.Kute, learned counsel submits that the promotion is granted to the petitioner from the reserved category. As such, the condition to bring validity within six months is reasonable and proper.

3] We have considered submissions canvassed by learned counsel for respective parties. To get the proceedings decided within stipulated time is not in the hands of litigant. The counsel for committee has stated that it would take some time for the committee to decide the matter as there are large number of matters pending.

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

a] The Committee shall decide the validation proceeding in respect of tribe claim of the petitioner expeditiously preferably within one year. The petitioner shall cooperate in expeditious disposal of the said proceeding. Till the validation proceedings are decided, no adverse action be taken against the

petitioner only on the ground that validation proceedings are pending. However, in case the validation proceedings are decided, the respondent employer is entitled to take action in tune with the judgment of the committee.

5] Writ Petition is accordingly disposed of. No costs.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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