

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO. 2613 OF 2016

Vilas s/o. Vitthalrao Telang,
Age 48 years, Occu. Service -
as Naib Tahsildar
R/o. Nathnagar, Degloor,
Tq. Degloor, District Nanded

...PETITIONER

VERSUS

- 1) The Secretary,
Social Justice and Tribal Development
Department, Mantralaya, Mumbai-32,
- 2) The Deputy Director (Research),
Cum Member Secretary,
Scheduled Tribe Certificate
Verification Committee,
Aurangabad Division, Aurangabad,
- 3) The Divisional Commissioner,
(Revenue), Aurangabad,
District-Aurangabad.

...RESPONDENTS

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Mr. Vishwas B. Wagh Advocate for Petitioner.
Mr. V.H. Dighe, A.G.P. for Respondent Nos.
1, 2 and 3.

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**CORAM: S.V. GANGAPURWALA AND
A.I.S. CHEEMA, JJ.**

DATE : 8TH MARCH, 2016

ORAL JUDGMENT [PER S.V. GANGAPURWALA, J.] :

1. Rule. Rule made returnable forthwith. With the consent of the parties, the Petition is taken up for final hearing. Learned A.G.P. waives notice of Rule for all the Respondents.

2. Mr. Wagh, learned counsel for the Petitioner submits that the Petitioner is working as Naib Tahsildar. According to the learned counsel, validation proceeding in respect of tribe claim of the Petitioner is pending with the Scrutiny Committee since November 2013, however, the same is not decided. The Maharashtra Administrative Tribunal has directed the Respondents to promote Petitioner in the cadre of Naib Tahsildar on the basis of proceedings of D.P.C. subject to production of Caste Validity

Certificate by the Petitioner within a period of six months. Six months are to lapse on 29th March 2016. According to the learned counsel, the Respondent No.2 Scrutiny Committee be directed to decide the validation proceedings expeditiously and till that time the services of the Petitioner be protected.

3. The learned A.G.P. submits that the Scrutiny Committee would endeavour to dispose of the validation proceedings expeditiously.

4. We have gone through the Judgment and Order passed by the Maharashtra Administrative Tribunal in Original Application No.723 of 2013. The said order reads as under:-

"5. We direct the Respondents to promote the Applicant in the cadre of Naib Tahsildar on the basis of proceedings of D.P.C. subject to production of Caste Validity Certificate

by the Applicant within a period of six months. If the Applicant is unable to produce the Caste Validity Certificate, within six months, the Applicant will have no claim to continue to work in the promoted post. The O.A. is allowed in these terms with no order as to costs."

5. Pursuant to the said order, the Petitioner is officiating as Naib Tahsildar. To get the validation proceedings decided within the stipulated period is not in the hands of the litigant. Considering above, we pass following order:

O R D E R

(I) Respondent No.2 - Scrutiny Committee shall decide the validation proceedings in respect of tribe claim of the Petitioner within NINE MONTHS.

(II) The Petitioner shall co-operate in expeditious disposal of the said validation proceedings.

(III) Till the validation proceedings are decided by Respondent No.2 Scrutiny Committee, Respondent No.3 employer shall not take adverse action against the Petitioner only on the ground that validation proceedings are pending.

(IV) The Petitioner shall appear before Respondent No.2 Committee on 4th April 2016.

(V) The Respondent No.3 employer is entitled and is at liberty to take action in tune with the Judgment delivered by the Scrutiny Committee in the validation proceedings.

(VI) Rule is accordingly made absolute
in above terms.

[A.I.S. CHEEMA, J.]

asb/MAR16

[S.V. GANGAPURWALA, J.]