

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

WRIT PETITION NO. 3227 OF 2016

Kishor S/o Sukhdeo Dandge,
Age : 26 Years, Occu. : Service,
As a Clerk, Tahsil Office, Karjat,
District Ahmednagar,
R/o Rajesambhaji Colony, Jadhav
Wadi, Aurangabad.

.. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary,
Revenue & Forest Department,
Mantralaya, Mumbai - 32.
 2. The Collector,
Ahmednagar District Ahmednagar.
 3. The Scheduled Tribes Caste Scrutiny
Committee, Aurangabad Division,
Aurangabad,
Through its Secretary.
- .. Respondents

Shri Deepak A. Chaudhari, Advocate for the Petitioner.
Shri A. M. Phule, A.G.P. for All Respondents.

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.
DATE : 17TH MARCH, 2016.**

ORAL JUDGMENT (Per S. V. Gangapurwala, J.) :-

. Issue notice to respondents. The learned Assistant

Government Pleader waives notice for all respondents.

2. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

3. Mr. Chaudhari, the learned counsel for the petitioner submits that, the validation proceedings in respect of tribe claim of the petitioner as belonging to Koli Malhar (Scheduled Tribe) are pending with the Committee since July 2015. No decision is taken as yet and the employer/respondent No. 2 has issued notice to the petitioner to submit the validity certificate immediately or else further action would be taken.

4. The learned Assistant Government Pleader states that, the Committee would decide the validation proceedings on its own immediately.

5. To get the proceedings decided within stipulated period is not in the hands of a litigant. The validation proceedings are still pending.

6. Considering the above, we pass following order.

7. The respondent No. 3/Committee shall decide the validation proceedings in respect of the tribe claim of the

petitioner expeditiously and preferably within a period of nine (09) months from today. The petitioner shall co-operate in expeditious disposal of the validation proceedings. The petitioner shall appear before the Committee on 04th April, 2016.

8. Till the validation proceedings are pending, the respondent No. 2/employer shall not take any coercive action against the petitioner only on the ground that validation proceedings are pending. The impugned notice/communication is quashed and set aside.

Rule accordingly is made absolute in above terms.

9. The parties to act on authenticate copy.

Sd/-

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

Sd/-

[S. V. GANGAPURWALA, J.]