

UNREPORTED**IN THE HIGH COURT OF JUDICATURE AT****BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.1369 OF 2017**

Apparao Tukaram Bhandarwad,
Age 25 years, Occ.Service,
R/o Mantha, Tq. Hadgaon,
Dist.Nanded. ... Petitioner.

Versus

1. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Division, Aurangabad, through
its Member Secretary.

2. Commissioner,
Office of the Divisional
Commissioner, Nagpur Division,
Nagpur.

3. Tahsildar,
Bhamragad, Tq. Bhamragad,
Dist.Gadchiroli. ... Respondents.

...
Mr.D.B.Shinde, advocate holding for
Mr.S.S.Phatale, advocate for the petitioner.
Mr.R.B.Bagul, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
K.L.WADANE, JJ.**

Date : 31.01.2017.

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

1. Heard.

2. **Rule.**

3. Learned A.G.P. waives notice of Rule for all Respondents. Taken up for final disposal with the consent of parties.

4. The learned counsel for the petitioner states that the validation proceedings in respect of the tribe claim of the petitioner is pending with the Committee. The same is not yet decided, still, the Respondent No.2 has issued show cause notice to submit the validity by 31.1.2017, else the petitioner would be terminated from service.

5. Learned A.G.P. states that the petitioner is appointed from reserved category and is required to submit validity within six (6) months. The same having not been done, the notice is rightly issued.

6. The validation proceedings in respect

of the tribe claim of the petitioner is pending. To get the proceedings decided within the stipulated period is not in the hands of the litigant. Of-course, the petitioner has to cooperate in expeditious disposal of the proceedings.

7. Considering above, we pass the following order :

a) The Respondent No.1 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within nine (9) months considering that the same is pending since the year 2013. The impugned notice (Annexure C) is quashed and set aside.

b) The Respondent No.2 shall not take adverse action against the petitioner only on the ground that validation proceedings are pending. Of-course, the Respondent No.2 can take further course of action depending upon the judgment that may be delivered by the Committee in the validation proceedings.

c) Rule accordingly made absolute in above terms. No costs.

(K.L.WADANE, J.)

(S.V.GANGAPURWALA, J.)

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