

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

WRIT PETITION NO. 11074 OF 2017

Jyoti Manikrao Prashad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Vivek U. Jadhav, Advocate for the Petitioner.

Mrs. A. V. Gondhalekar, Addl.G.P. for Respondent Nos. 1 and 2.

Shri P. R. Tandale, Advocate for Respondent Nos. 3 to 5.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 13TH SEPTEMBER, 2017.

FINAL ORDER :

. Mr. Jadhav, the learned counsel for the petitioner seeks leave to correct. Leave granted.

2. Issue notice to respondents. The learned Addl. G. P. waives notice for respondent Nos. 1 and 2. Mr. Tandale, the learned counsel waives notice for respondent Nos. 3 to 5.

3. Mr. Jadhav, the learned counsel for the petitioner submits that, validation proceeding in respect of caste claim of the petitioner as belonging to 'Rajput Bhamta' is pending with the respondent/committee since 12.02.2013. The respondent/employer has withheld the salary since December 2016 only on

the ground that validity certificate is not yet submitted.

4. Mr. Tandale, the learned counsel for respondent Nos. 3 to 5 submits that, the petitioner is appointed from reserved category and even after four years has not submitted validity, as such action is rightly taken.

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

6. Considering the above, we pass following order.

7. The respondent Nos. 3 to 5 shall not withhold the salary of the petitioner only on the ground that validation proceedings are pending.

8. The respondent No. 2/Committee shall decide the validation proceedings in respect of caste claim of the petitioner expeditiously and preferably within a period of six (06) months from the date of appearance. The petitioner shall appear before the Committee on 27th September, 2017.

9. The writ petition accordingly is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]