IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11191 OF 2017

Vijay Krishana Suradkar,
Age: 27 years, Occu: Service,
R/o Panwadod, Tq. Sillod,
Dist. Aurangabad. .. Petitioner

Versus

1. The State of Maharashtra,
Through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.

2. The Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Deputy Director (R).

3. The Collector, Thane,
Tq. & Dist. Thane.

4. The Assistant District Registrar,
Class-I/Stamp Collector,
Thane, (Urban), Tq. & Dist. Thane. .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.
Mrs. R. P. Gaur, A.G.P. for All Respondents.

CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.
DATE : 13TH SEPTEMBER, 2017.

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. Jadhavar, the learned counsel for the petitioner submits that, the petitioner is appointed as a clerk from the Scheduled Tribe category with the respondents in November 2016. The Tribe claim of the petitioner is referred to the Committee for verification in May 2017. The same is pending. The respondent/employer has issued notice to the petitioner to produce the validity within seven days or else the service of the petitioner would be terminated.

4. The learned Assistant Government Pleader submits that, as the petitioner is employed from the reserved category, he is required to submit the validity.

5. To get the validation proceedings decided within the stipulated period is not in the hands of a litigant. The matter is referred to the Committee only in May 2017.

6. Considering the above, we pass following order.

7. The respondent No. 2/Committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of one year from today. The petitioner shall co-operate in expeditious disposal of said proceedings. The impugned notice is quashed and set aside. The respondents shall not take any adverse action against the petitioner only on the ground that validation proceedings are pending. Of course, the respondents can take further course of action depending upon the judgment that would be delivered by the Scrutiny Committee in the validation proceedings.

Rule made absolute in above terms. No costs.

Sd/-
[MANGESH S. PATIL, J.]

Sd/-
[S. V. GANGAPURWALA, J.]

bsb/Sept. 17