

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

WRIT PETITION NO. 12422 OF 2017

BHAUSAHEB UTTAMRAO CHABILWAD
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

Mr.Sunil M. Vibhute, Advocate for the petitioner
Mr.P.S.Patil, AGP for the respondent/State

**CORAM : S.V. GANGAPURWALA &
S.M. GAVHANE, JJ.**

DATED : 11.10.2017

P.C. :-

- . Issue notice to the respondents.
2. Learned AGP waives service of notice for all the respondents.
3. Mr. Vibhute, learned counsel submits that validation proceeding in respect of the tribe claim of the petitioner is pending with the Committee since 29.07.2013. Thereafter the certificate was canceled on the ground that there is spelling mistake in the name of the tribe on the certificate. Subsequently the petitioner has given the corrected tribe certificate of the same and now it is submitted to the Committee on 15.08.2017 and the said proceeding is pending with the Committee. The

employer has issued notice directing to produce the validity certificate by 25.10.2017 or else the services would come to an end.

4. Learned AGP submits that the petitioner is appointed from the reserved category as such he is expected to submit the validity certificate.

5. The petitioner appears to be appointed by the respondent in the year 1990. The validation proceeding is still pending. It is not in the hands of the litigant to get the proceeding decided within stipulated time.

6. In the light of the above, we pass the following order.

ORDER

i. Respondent No.2 Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously, preferably within nine months.

ii. The petitioner shall co-operate in expeditious disposal of the said proceeding.

iii. The respondent-employer shall not take any adverse action against the petitioner only on the ground that the validation proceeding is pending.

iv. The respondent-employer can resort to further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

v. The impugned notice is set aside.

vi. The writ petition accordingly allowed.

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]