

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

WRIT PETITION NO. 12424 OF 2017

Bhausahab Keshavrao Ture .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri K. D. Mundhe, A.G.P. for Respondent Nos. 1 to 5.

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

DATE : 29TH NOVEMBER, 2017.

FINAL ORDER :

. The petitioner was issued with tribe certificate of Koli Mahadev (Scheduled Tribe) in the year 1989. The proposal seeking validation of tribe claim of the petitioner was referred to the Committee at Nashik. It is the contention that, the proceeding before the Nashik Committee were transferred to the Aurangabad Committee. The proceeding was filed with the Nashik Committee on or about 14.02.1995. The same was transferred in the year 2000-2001. The same is not yet decided and the employer has issued notice asking the petitioner to submit the validity or action for termination of service would be initiated.

2. The learned Assistant Government Pleader on instructions states that, the file is not traceable at Aurangabad office.

3. We had adjourned the matter on number of occasions so as to enable the learned A. G. P. to make statement about the status of the proceeding. The learned A. G. P. states that, even after extensive search, the Committee could not trace out the file of the petitioner's validation proceeding. It appears that, the petitioner had also given representation to the respondent No. 2/Committee about the number of the proceeding filed before the Nashik Committee.

4. As the proceeding is not traced out by the respondent and the original tribe certificate issued to the petitioner is in the validation proceeding to streamline the process, we pass following order.

5. The petitioner shall file an application with the Sub Divisional Officer, Aurangabad for issuance of tribe certificate of Koli Mahadev (Scheduled Tribe). The copy of the earlier tribe certificate issued to the petitioner shall also be submitted along with the application. On receipt of application the Sub Divisional Officer, Aurangabad shall issue the tribe certificate of Koli Mahadev (S.T.) to the petitioner within a period of four weeks from the date of application. The petitioner shall make an

application within a period of two (02) weeks from today to the Sub Divisional Officer, Aurangabad. On receipt of tribe certificate, the petitioner shall submit the proposal afresh with the respondent No. 2/Committee within a period of four (04) weeks thereafter. On receipt of proposal the respondent No. 2/Committee shall decide the validation proceeding in respect of tribe claim of the petitioner expeditiously and preferably within a period of nine (09) months from the date of receipt of the proposal. Till the validation proceeding in respect of tribe claim of the petitioner is decided, the respondent employer shall not take any adverse action against the petitioner only on the ground that, validation proceeding is pending. The writ petition is disposed of. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]