

UNREPORTED**IN THE HIGH COURT OF JUDICATURE
AT BOMBAY****BENCH AT AURANGABAD.****WRIT PETITION NO.12772 OF 2017**

Rajesh Sambhaji Akulwad,
Age 25 years, Occ.Service,
R/o Vitthal Nagar, Nanded,
Tq. and Dist.Nanded. ... 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,
Kolhapur, Tq. and Dist.
Kolhapur. ... Respondents.

...

Mr.P.V.Jadhavar, advocate for the petitioner.
Mr.S.W.Munde, A.G.P. for the State.

...

**CORAM : S.V.GANGAPURWALA AND
SMT.VIBHA KANKANWADI, JJ.**

Date : 02.11.2017.

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

1. Rule. Rule returnable forthwith. With the consent of the learned counsel for the parties the petition is taken up for final hearing.

2. Learned A.G.P. waives service of Rule for the Respondents.

3. Mr.Jadhavar, learned counsel submits that validation proceedings in respect of his tribe claim as Mannervarlu - Scheduled Tribe is pending with the Committee since the year 2013. The same is not yet decided. The Respondent No.3 employer has issued notice to submit the validity within 21 days, else the services would be terminated.

4. We have heard learned A.G.P. also.

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

6. Considering above, we pass the following order :

a) The impugned notice as such is quashed and set aside.

b) The Respondent No.2 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner within a period of eight (8) months. The petitioner shall cooperate in expeditious disposal of the proceedings. The petitioner shall appear before the Respondent No.2 Committee on 16.11.2017.

c) Till the validation proceedings are decided, the Respondent No.3 shall not take adverse action against the petitioner only on the ground of pendency of the validation proceedings. The Respondent No.3 can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.

d) Rule accordingly made absolute in above

terms. No costs.

Sd/-

Sd/-

(SMT.VIBHA KANKANWADI, J.) (S.V.GANGAPURWALA, J.)

asp/office/wp12772.17

