

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

WRIT PETITION NO. 13329 OF 2017

Vishwas s/o. Balaji Totwad .. Petitioner
Age. 31 years, Occ. Service,
R/o. Umardari, Tq. Mukhed,
Dist. Nanded.

Versus

1. The State of Maharashtra .. Respondents
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director ®,
Aurangabad.
3. The Collector, Kolhapur,
Dist. Kolhapur.
4. The Sub Divisional Officer,
Gadhinglaj, Dist. Kolhapur.
5. The Tahsildar, Chandgad,
Dist. Kolhapur.

Mr.S.M. Vibhute, Advocate for the petitioner.
Mr.S.G. Karlekar, AGP for respondent/State.

**CORAM : S.V.GANGAPURWALA &
S.M.GAVHANE, JJ.
DATED : 15.11.2017**

ORAL JUDGMENT [PER : S.V. GANGAPURWALA,J.] :-

1. Issue notice to the respondents. Learned A.G.P. waives notice for all the respondents.

2. Rule. Rule made returnable forthwith and heard finally with the consent of the parties.

3. Mr. Vibhute, learned advocate for the petitioner submits that the validation proceeding in respect of the tribe claim of the petitioner is pending since the year 2013. The same is not yet decided. The employer has issued notice to the petitioner to submit validity within 21 days, else service of the petitioner would be terminated.

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

5. To get the proceedings decided within stipulated period is not in the hands of the litigant. In view of the fact that the validation proceedings are still pending as stated by the petitioner, we pass following order :-

6. The impugned notice is quashed and set aside. Respondent No.2-Committee shall decide validation

proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within eight months. The petitioner shall co-operate in expeditious disposal of the said proceeding. The petitioner shall appear before the Committee on 04.12.2017.

7. The employer shall not take any adverse action against the petitioner only on the ground that the validation proceedings are pending. The respondent employer can take further course of action depending upon the judgment which would be delivered in validation proceeding.

8. Rule made absolute in above terms. No costs.

[S.M.GAVHANE, J.]

[S.V.GANGAPURWALA, J.]