

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 13398 OF 2017

Anant Namdev Mantre,
Age: 25 Years, Occu.: Service,
R/o.: Pahadi Pargaon, Tq.: Dharur,
Dist.: Beed

.. **Petitioner**

Versus

1. The State of Maharashtra,
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
2. The Scheduled Tribe Certificate
Verification Committee, Aurangabad,
Through its Deputy Director [R],
Aurangabad
3. The Divisional Forest Officer,
Opp. Mehata petrol Pump,
Markandi-Chiplun, Tq.: Chiplun,
Dist.: Ratnagiri
4. The Range Forest Officer,
Forest Office, Nursery Road, Dapoli,
Dist.: Ratnagiri

.. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for the Respondents.

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

DATE : 16th November, 2017

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

1. Rule. Rule returnable forthwith. With the consent of parties taken up for final hearing.
2. Mr. Vibhute, learned counsel submits that validation proceeding in respect of the tribe claim of the petitioner is pending with the committee. Earlier it was rejected on the technical ground. Thereafter it has been resubmitted on 18.8.2017 and the same is pending. The respondent - employer has issued notice to the petitioner to submit the validity within 7 days or else the services of the petitioner would be terminated.
3. We have heard the learned A.G.P. also.
4. Considering the fact that validation proceeding is still pending, we pass the following order.

ORDER

- I] The impugned notice is quashed and set aside.
- II] The committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within one year.
- III] The petitioner shall cooperate in expeditious disposal of the said proceeding.

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

V] The respondent - employer can take further course of action depending upon the judgment that will be delivered by the committee in the validation proceeding.

5. Rule according made absolute in above terms. No costs.

[S. M. GAVHANE, J.]

[S. V. GANGAPURWALA, J.]

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