

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

951 WRIT PETITION NO. 12115 OF 2016

LAXMIKANT SAMBHAJI BAINWAD

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

...

Advocate for Petitioner : Mr. Vibhute Sunil M.

AGP for Respondents State: Mr. P. S. Patil

Advocate for Respondents 2 to 4 : Mr. A. R. Salve

CORAM : S. V. GANGAPURWALA &

K. L. WADANE, JJ.

DATE : 17th February, 2017

ORDER:

1. Mr. Vibhute, the learned counsel for the petitioner submits that validation proceeding in respect of claim of the petitioner as belonging to Mannervarlu, Scheduled Tribe is pending with the Committee, however, respondent Nos. 2 to 4 have issued show cause notice to the petitioner, stating that validity should be produced, else his services would be terminated.

2. Mr. salve, the learned counsel for the respondents 2 to 4 submits that petitioner is appointed from the reserve category, as such, he is duty bound to submit the validity.

3. To get the validation proceedings decided

within stipulated period is not in the hands of litigant. It would be inappropriate for the respondents in such a case to take action against the petitioner. In the light of that, we pass the following order:

O R D E R

- i. The impugned communication (Exh.D) is quashed and set aside.
- ii. Respondent No.5 Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner, expeditiously and preferably within eight months. The petitioner shall appear before the Committee on 02.03.2017.
- iii. Till the validation proceedings are decided, the respondents/employer shall not take any adverse action against the petitioner only on the ground that his validation proceedings are pending.
- iv. The respondents-employer can take further course of action in tune with the judgment of the Committee in the validation proceedings.
- v. Writ petition is accordingly disposed of. No costs.

(K. L. WADANE, J.)

(S. V. GANGAPURWALA, J.)

JPC