

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

WRIT PETITION NO. 13623 OF 2017

Jyoti Ashok Mudiraj,
Age : 24 Years, Occu. : Service,
R/o Thandisavali, Tq. Biloli,
Dist. Nanded. .. Petitioner

Versus

1. State of Maharashtra,
through Principal Secretary,
Revenue Department,
Mantralaya, Mumbai-32.
2. Collector,
Ratnagiri, Dist. Ratnagari.
3. Sub Divisional Officer,
Chiplun, Tq. Chiplun,
Dist. Ratnagiri.
4. Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad,
Through its Member Secretary. .. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 4.

**CORAM : S. V. GANGAPURWALA AND
S. M. GAVHANE, JJ.
DATE : 22ND NOVEMBER, 2017.**

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

. Rule. Rule made returnable forthwith. The learned Additional Government Pleader waives notice of rule. Taken up for final hearing with the consent of parties.

2. Mr. Phatale, the learned counsel for the petitioner submits that, validation proceeding in respect of tribe claim of the petitioner is pending with the respondent No. 4/Committee since February 2016. The same is not yet decided and the respondent No. 3 has issued notice to the petitioner to submit the validity within eight days or else the service of the petitioner would be terminated without issuing any notice.

3. We have also heard the learned Additional Government Pleader for respondents/State. The learned Addl. G. P. submits that, as validity is not submitted as yet, the notice is rightly issued relying on the provisions of the Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes, (Vimukta Jatis) Nomadic Tribes, Other Backward Classes and Special Backward Category (Regulation of issuance and verification of) Caste Certificate Act, 2000.

4. To get the validation proceeding decided within stipulated period is not in the hands of a litigant.

5. Considering the above, we pass following order.

6. The respondent No. 4/Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within a period of nine (09) months from today. The petitioner shall co-operate in expeditious disposal of the proceedings. The petitioner shall appear before the Committee on 05th December, 2017.

7. The impugned notice is quashed and set aside. The respondent Nos. 2 and 3 shall not take any adverse action against the petitioner only on the ground that validation proceeding is pending. The respondent Nos. 2 and 3 can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

Rule made absolute in above terms. No costs.

Sd/-

[S. M. GAVHANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]