

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

WRIT PETITION NO. 14160 OF 2017

Prabhu S/o. Dattatraya Totewad, .. **Petitioner**
Age-25 years, Occu-Service,
R/o.Bitnal, Tq. Umri,
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 (R)
Aurangabad
3. The Manager,
Government Photozinko Press
& Book Depot Pune-1
Dist.Pune

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

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

DATED : 07.12.2017

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

. Learned AGP waives service of notice for all the respondents.

2. Rule. Rule made absolute forthwith. With the consent of the parties taken up for final disposal.

3. It is submitted by the learned counsel for the petitioner that validation proceeding in respect of the tribe claim of the petitioner is pending since 19.11.2016. Respondent NO.3 Employer has issued notice to the petitioner to the effect that if the validity is not submitted by 20.12.2017 the service of the petitioner would be terminated.

4. We have heard the learned AGP.

5. Learned AGP states that as the validity is not submitted the notice is rightly issued. To get the validation proceeding decided within stipulated period is not in the hands of the litigant. Considering the above, we pass the following order.

ORDER

i. Respondent No.2 Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously preferably within a period

of nine months.

ii. The petitioner shall co-operate in expeditious disposal of the validation proceeding.

iii. Till the validation proceeding are decided the respondent No.3 Employer shall not take any adverse action against the petitioner only on the ground that the validation proceeding is pending.

iv. The respondent /Employer can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

v. The impugned notice is quashed and set aside.

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

[S.M. GAVHANE, J.]

[S.V. GANGAPURWALA, J.]