

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

**WRIT PETITION NO. 358 OF 2018**

Saraswati D/o Chinanna Almod,  
Age : 25 years, Occu. : Service,  
R/o Bothi, Tq. Umri,  
Dist: Nanded.

.. Petitioner

**Versus**

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

Shri Sunil M. Vibhute, Advocate for the Petitioner.  
Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1 to 5.

**CORAM : S. V. GANGAPURWALA AND  
ARUN M. DHAVALA, JJ.  
DATE : 10TH JANUARY, 2018.**

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

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

2. The tribe claim of the petitioner as belonging to Mannervarlu (Scheduled Tribe) is pending with the Scrutiny Committee. According to the petitioner, the employer has issued notice to the petitioner to submit validity, else adverse action would be taken against the petitioner.

3. It is stated that, earlier Committee invalidated proceeding on the ground that there is spell mistake in the name of tribe recorded in the tribe certificate issued by the Sub Divisional Officer. This Court in Writ Petition No. 8488 of 2017 under order dated 04<sup>th</sup> July, 2017 had directed the Committee to verify and scrutinize the claims irrespective of such spelling error. The said order was directed to be observed in all other matters where the Committee had passed similar order. It is submitted by the learned counsel for the petitioner that, on 20<sup>th</sup> July, 2017 the petitioner had brought to the notice of the Committee the order of this Court dated 04<sup>th</sup> July, 2017 passed in Writ Petition No. 8488 of 2017.

4. It is not in the hands of a litigant to get the validation proceeding decided within a stipulated period. Of course, the petitioner has to co-operate in expeditious disposal of the proceeding.

5. Considering the aforesaid conspectus, we pass following order.

### **O R D E R**

A. The Committee shall decide the validation proceeding in respect of tribe claim of the petitioner expeditiously and preferably within a period of nine (09) months from the date of appearance of the petitioner.

B. The petitioner shall co-operate in expeditious disposal of said proceeding. The petitioner shall appear before the Committee on 30.01.2018.

C. The impugned notice issued by the employer is quashed and set aside.

D. The respondent /employer shall not take any action against the petitioner only on the ground that validation proceeding is pending.

E. Of course, the employer is at liberty to take further course of action depending upon the judgment that would be delivered by the Committee in validation proceeding.

F. Rule accordingly is made absolute in above terms. No costs.

**Sd/-**

**[ARUN M. DHAVALÉ, J.]**

**Sd/-**

**[S. V. GANGAPURWALA, J.]**

bsb/Jan. 17