

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

WRIT PETITION NO. 360 OF 2018

Pooja D/o Vinayakrao Dasre,
Age : 25 Years, Occu. : Service,
R/o Telangwadi, Tq. Kandhar,
Dist. Nanded. .. Petitioner

Versus

1. The State of Maharashtra,
Through Secretary to Tribal
Development Department,
Mantralaya, Mumbai.
2. The Scheduled Tribe Certificates
Verification Committee, Aurangabad
Through its Deputy Director (R),
Aurangabad.
3. The Collector Kolhapur,
Dist. Kolhapur. .. Respondents

Shri Sunil M. Vibhute, Advocate for the Petitioner.
Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA AND
ARUN M. DHAVAL, JJ.**

DATE : 10TH JANUARY, 2018.

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

. Rule. Rule made returnable forthwith. The learned
Assistant Government Pleader accepts notice of rule for all

respondents. Taken up for final hearing with the consent of parties.

2. Validation proceeding in respect of the tribe claim of the petitioner as belonging to Mannervarlu (Scheduled Tribe) is pending with the respondent No. 2/Scrutiny Committee. The same was invalidated on the ground of spelling mistake in recording the name of the tribe in the certificate issued by the Sub Divisional Officer. Subsequently on 09th August, 2017 the petitioner had obtained fresh corrected certificate and has submitted it afresh to the Committee on 22nd August, 2017. In the interregnum the employer has issued notice to the petitioner to submit the validity certificate, else adverse action would be taken against the petitioner.

3. 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.

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

O R D E R

A. The respondent No. 2/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 No. 3/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. DHAVAL, J.]

Sd/-

[S. V. GANGAPURWALA, J.]