

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

WRIT PETITION NO. 589 OF 2018

Sunil Prabhakar Koli

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Shri Sagar S. Phatale, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for All Respondents.

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

DATE : 16TH JANUARY, 2018.

FINAL ORDER :

. Issue notice to respondents. The learned Additional Government Pleader accepts notice for all respondents.

2. Mr. Phatale, the learned advocate for the petitioner submits that, validation proceeding in respect of tribe claim of the petitioner is pending consideration with the respondent No. 2/Committee. In the interregnum the respondent No. 3 has issued notice to the petitioner to produce validity certificate, else adverse action would be taken.

3. Mr. Patil, the learned Additional Government Pleader

submits that, consistently the petitioner remained absent before the Committee and lastly on 20th September, 2013, the petitioner sought time and thereafter did not remain present before the Committee. As such, the committee could not decide the said proceeding.

4. When the petitioner seeks protection of this Court, it is incumbent upon the petitioner to co-operate in expeditious disposal of the proceeding. The petitioner cannot claim equitable relief, if the petitioner is deliberately prolonging the validation proceeding.

5. Mr. Phatale, the learned counsel submits that, the petitioner would remain present for hearing before the Committee on 02.02.2018 i. e. the date already fixed by the Committee.

6. We make it clear that, the petitioner shall not seek any adjournment and shall argue the matter on the said date before the Committee or on the date that would be convenient to the Committee. However, it will not be open for the petitioner to seek adjournment. The Committee shall decide the validation proceeding by end of March 2018.

7. Till the validation proceeding is decided, the

respondent/employer shall not take any adverse action against the petitioner. Of course, if, the petitioner seeks adjournment in the matter, the respondent/employer would be entitled to take further course of action and depending upon the judgment that would be delivered by the Committee in the validation proceeding, the employer may take further course of action. The writ petition accordingly is disposed of. No costs.

[ARUN M. DHAVALÉ, J.]

[S. V. GANGAPURWALA, J.]

bsb/Jan. 17