

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

WRIT PETITION NO.3151 OF 2018

Smt. Mrunali d/o Chandrabhan Devare .. Petitioner

Versus

The State of Maharashtra,
Department of Public Health,
Mantralaya, Mumbai, through its
Secretary and ors. ..Respondents

Mr A.S. Golegaonkar with Mr M.A. Golegaonkar, Advocates for
respondents
Mr P.S. Patil, A.G.P. for respondents no.1 to 4

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVAL, JJ**

DATE : 2nd May 2018

PER COURT

1. The validation proceedings of the petitioner are pending since 2008. We had taken up the matter on 10.4.2018. The statement was made by the learned A.G.P. on instructions that because of large pendency of the matters and the vacancies, the proceedings are not being decided expeditiously. We had directed the learned A.G.P. to place on record the number of matters pending with the Committee. The Committee was directed to give year-wise bifurcation about the pendency of the matters and the vacancies of the posts with the respondent no.2 – Committee.

2. Pursuant to our directions dated 10.4.2018, the affidavit is filed by the Senior Research Officer, Scheduled Tribe, Caste Certificate Scrutiny Committee and the Member Secretary of Nandurbar Division, Nandurbar. It is stated in the affidavit that as on date, almost 6677 claims are pending with the Nandurbar Committee. It is also stated in

the affidavit that there are 36 sanctioned posts with the Nandurbar Committee, out of which only 22 posts are filled in and 14 posts are vacant including the post of Stenographer, Vigilance Cell Officer, Deputy Director, Research Officer, Law Officer and other Clerical staff.

3. Because of the vacancies being not filled in, the working of the Committee is hampered. The matters cannot be take up for decision.

4. The Government needs to consider that the matters pending with the Committee are of the students, employees for whom validity certificates are necessary. It is the obligation of the Government to fill in the posts so that the Committee can function smoothly up to its optimum and the matters can be disposed of expeditiously. The Committee is expected to decide the matters within time frame. In the present case, the matter is pending since year 2008. From the statistics submitted by the Committee, it is apparent that some matters are pending with the respondent no.2-Committee of the year 1992 to 1999 also. The same is a pitiable state of affair. It is also being clarified by the Committee that majority of the matters pending are in respect of Thakur, Tokre Koli, Koli Mahadev claims.

5. The situation is alarming and it is expected of the Government to take immediate steps to fill in the vacancies and even by appointing additional Committees more particularly, in tribal areas so that the pendency can be reduced. The Government is expected to take immediate steps in this regard and should ensure that the Committee functions with its full strength.

6. We expect the Government to take immediate steps in this regard.
7. The Committee shall endeavour to decide the present proceedings expeditiously, preferably within four months.
8. Till the validation proceedings are decided, the respondent-employer shall not take adverse action against the petitioner only on the ground that validation proceedings are pending.
9. The learned A.G.P. shall communicate this order to the Government for necessary steps.
10. Writ Petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

vvr