

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 11680 OF 2016

Dattatray Ganpat Wad

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Sunil M. Vibhute, Advocate for the Petitioner.

Shri S. G. Karlekar, A.G.P. for Respondent Nos. 1 and 2.

Mrs. Sangeet h/f Shri L. V. Sangeet, Advocate for Respondent No. 3.

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

DATE : 9th January, 2018

PER COURT :

1. Mr. Vibhute, learned advocate for the petitioner submits that validation proceedings in respect of the tribe claim of the petitioner is pending since the year-2012. The same is not yet decided and the employer has issued notice directing the petitioner to produce the validity certificate or else action would be taken.

2. Mrs. Sangeet, learned advocate for respondent No. 3 submits that the petitioner has been appointed from reserved category, as such is required to submit the validity certificate within six (6) months.

3. We have also heard the learned A.G.P.

4. To get the validation proceedings decided within a stipulated period is not in the hands of litigant. The committee has to decide the validation proceedings in accordance with law. The petitioner has to cooperate in expeditious disposal of the proceedings.

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

ORDER

I] The respondent No. 2 – committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously and preferably within a period of nine (9) months.

II] The petitioner shall cooperate in expeditious disposal of the proceedings.

III] The petitioner shall appear before the committee on 30th January, 2018.

IV] The impugned notice is quashed and set aside.

V] The respondent / employer shall not take adverse action against the petitioner only on the ground that validation proceedings are pending. Of course, the respondent / employer can take further course of action depending upon the judgment that would be delivered by the committee in the validation proceedings.

6. The writ petition is accordingly disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

marathe/Jan.18