

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 14387 OF 2017

Suresh Chandrabhan Watade,
Age: 47 Years, Occu.: Service,
R/o.: Kardilevasti, Miri Road,
Shevgaon, Taluka: Shevgaon,
District : Ahmednagar

.. **Petitioner**

Versus

1. State of Maharashtra,
Through Ministry of Triable Development Department,
Mantralaya, Mumbai – 32
2. The Schedule Tribe Caste Certificate
Scrutiny Committee, Nasik Division,
Nasik
3. The Collector, Ahmednagar (Revenue),
District: Ahmednagar
4. Sub Divisional Officer Pathardi
Taluka : Pathardi, District : Ahmednagar .. **Respondents**

Shri Satyajit S. Bora, Advocate for the Petitioner.
Mrs. M. A. Deshpande, A.G.P. for Respondents.

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

DATE : **24th January, 2018**

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

1. Rule. Rule returnable forthwith. With the consent of learned counsel for respective parties taken up for final hearing.
2. The learned counsel for the petitioner submits that initially proposal seeking validity / tribe claim was forwarded to the committee in the year – 2007. Thereafter, it was returned back on the ground that nomenclature of the tribe was incorrectly stated. Subsequently, it is again re-submitted by the employer on 1.4.2016 to the committee. The same is not yet decided. However, notice has been issued to the petitioner to submit the validity or else the services of the petitioner would be terminated.
3. The learned A.G.P. submits that the petitioner has been appointed from reserved category, as such is required to submit the validity within stipulated period.
4. To get the proceedings decided within stipulated period is not in the hands of the litigants. Of course, the petitioner has also to cooperate in expeditious disposal of the proceeding.

5. Considering the fact that validation proceeding is pending we pass the following order-

ORDER

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

II] The petitioner shall co-operate in expeditious disposal of the proceeding.

III] The petitioner shall appear before the committee on 5th February, 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 proceeding is pending.

VI] The respondent employer can take further course of action depending upon the Judgment that will be delivered by the committee in the validation proceeding.

VII] In case the petitioner seeks unnecessary adjournments, then the employer can raise the grievance about the same.

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

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

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