

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

WRIT PETITION NO.1843 OF 2019

**KISHAN KASHINATH GHOGARE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

Mr.Apparao Yenegure, Advocate for the petitioner
Mr.V.S.Badakh, AGP for the respondents/State

**CORAM : PRASANNA B. VARALE &
S.M.GAVHANE, JJ.**

DATED : 08.02.2019

P.C. :-

. Heard learned counsel for the petitioner.

2. On the backdrop of the contents of the petition, as well submission of the learned counsel for the petitioner and the documents placed on record the petition can be disposed of at the admission stage.

3. The petitioner was appointed as Assistant Professor in respondent No.3 college on 20.04.2015 by following the due procedure. The petitioner belongs to Mannervarlu scheduled tribe. Respondent No.3 forwarded the claim of the petitioner for validation to respondent No.2 Committee on

22.04.2017. The Committee received claim on 06.06.2017 and since then the tribe claim of the petitioner is pending before respondent No.2. Learned counsel for the petitioner submitted that that the documents placed on record show that in earlier round of proceeding the petitioner was before this Court alongwith other petitioners and the petitioner was directed to approach the Committee seeking decision by the Committee. It is not in dispute that the claim of the petitioner is pending before the Committee and respondent No.3 is also aware of the fact about pendency of the claim. The petitioner is faced with a notice dated 02.02.2019 issued by respondent No.3 informing the petitioner that the petitioner failed to submit explanation within seven days. Failure would result in termination of service.

4. As the petitioner has placed on record the communication of the committee dated 06.06.2017 accepting the claim of the petitioner for validation and the delay by the Committee cannot be attributed to the petitioner. The learned counsel for the petitioner made out a case, the petition is allowed with direction to the Committee to decide tribe

claim of the petitioner, as early as possible, and not later than 16 weeks from the date of order of this Court.

5. Respondent No.3 is directed not to take any adverse coercive action in furtherance to the notice dated 02.02.2019 till the decision of the Scrutiny Committee.

6. Respondent No.3 is at liberty to take appropriate steps after the decision of the Scrutiny Committee.

7. With these above directions, the writ petition is disposed of.

[S.M.GAVHANE,J.]

[PRASANNA B. VARALE, J.]