

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.10494 OF 2019

SUNIL DEOSING NAIK

...PETITIONER

VERSUS

SCHEDULED TRIBE CERTIFICATE
SCRUTINY COMMITTEE NANDURBAR
AND ANOTHER

...RESPONDENTS

Mr. Sagar Phatale, Advocate holding for
Mr. M.S. Deshmukh, Advocate for petitioner
Mr. P.S. Patil, Additional Government Pleader for Respondents-State

**CORAM : S.V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 26th AUGUST, 2019

ORAL ORDER:

1. The learned Counsel for the petitioner submits that the tribe claim of the petitioner is pending with the respondent No.1-Committee. The same is not decided. The employer has issued notice to the petitioner directing petitioner to submit validity certificate, else, coercive action would be taken.
2. The learned Additional Government Pleader accepts notice for all respondents.

3. To get the proceedings decided within the stipulated period, is not in the hands of the litigants.

4. Considering the above, we pass following order :-

- (i) The respondent No.1-Committee shall decide validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within a period of six months from the date of appearance of the petitioner.
- (ii) The petitioner shall appear before the Committee on 9th September, 2019.
- (iii) The impugned show cause notice is quashed and set aside.
- (iv) The respondent-employer shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending.
- (v) The respondent-employer can take further course of action depending upon the Judgment that would be delivered by the Committee in the validation proceedings.
- (vi) The Writ Petition is disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE