

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 12766 OF 2018

PRAFULKUMAR CHHAGAN THAKUR
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner :
Mr. Kalyan V. Patil h/f. Mr. Barlinge S. R.
AGP for Respondents No. 1 to 4 :
Mr. S. K. Tambe

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

DATE: 01st FEBRUARY, 2019

PER COURT :

1. The learned counsel for the petitioner submits that the validation proceeding in respect of the tribe claim of the petitioner is pending with respondent no. 2 – The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar since the year – 2009.

2. We had asked the learned Assistant Government Pleader to take instructions about the pendency of the validation proceeding. The learned A.G.P., on

instructions, submits that the validation proceeding filed by the petitioner are still pending and the reminder is issued to the vigilance squad.

3. For almost ten years the validation proceeding in respect of the tribe claim of the petitioner is pending with the committee. As per the instructions received by the learned A.G.P, as yet, the vigilance is also not conducted. However, the learned counsel for the petitioner submits that the vigilance is completed. The petitioner has also filed reply to the vigilance report.

4. Considering the fact that the validation proceeding is still pending, we pass following order.

5. Respondents no. 2 – The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within a period of three (03) months

from the date of appearance of the petitioner. The petitioner shall appear before respondent no. 2 - The Scheduled Tribe Certificate Scrutiny Committee, Nandurbar on 12.02.2019. Till the validation proceeding is decided, the respondents / employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The respondents / employer can take further course of action depending upon the judgment that would be delivered by the committee in the validation proceeding.

6. Writ Petition accordingly stands disposed of.
No costs.

[A. M. DHAVAL, J.] [S. V. GANGAPURWALA, J.]

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