

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

29 WRIT PETITION NO.13876 OF 2019

**KIRAN RAGHUNATH MAHALE
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

WITH

53 WRIT PETITION NO.13903 OF 2019

**HEMANT RAGHUNATH MAHALE
VERSUS
THE STATE OF MAHARASHTRA AND ANOTHER**

...

**Advocate for Petitioners : Shri Sushant C. Yeramwar
AGP for Respondents – State in respective matters: Ms P.V. Diggikar,
Shri P.G. Borade.**

...

**CORAM: S. V. GANGAPURWALA &
AVINASH G. GHAROTE, JJ.**

DATE : NOVEMBER 19, 2019

PER COURT : -

1. The petitioners seek declaration that they belong to Thakur, Scheduled Tribe. The validation proceedings in respect of the tribe claim of the petitioners are pending.

2. Mr. Yeramwar, the learned counsel for the petitioners submits that, this Court has allowed the writ petition filed by the real brother of the petitioners Jitendra bearing No.2151 of 2007 under

Judgment & Order dt.26.09.2017. In view of that, this Court may direct the Committee to grant the validity certificate to the petitioners.

3. The validation proceedings are pending. No doubt the Committee cannot override the judgment given by this Court in case of the real brother of the petitioners. The Committee is bound to consider the judgment delivered by this Court in case of the real brother of the petitioners directing grant of validity.

4. In light of that, we pass the following order.

ORDER

(i) The Committee shall decide the validation proceedings in respect of the tribe claim of the petitioners expeditiously, preferably within three months from the date of the appearance of the petitioners. The petitioners shall appear before the Committee on 13-12-2019. The Committee will certainly consider the judgment delivered by this Court in case of the real brother of the petitioners so also the real cousin. Till the validation proceedings are decided, the employer shall not take adverse action against the petitioners only on the ground that the validation proceedings are pending.

(ii) Writ Petitions are accordingly disposed of. No costs.

[AVINASH G. GHAROTE]
JUDGE

[S. V. GANGAPURWALA]
JUDGE

...