

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

25 WRIT PETITION NO.184 OF 2020

**DYANESHWAR BAJIRAO NIKAM
VERSUS
THE STATE OF MAHARASHTRA AND OTHERS**

...

Advocate for Petitioner : Mr. Kulkarni Suresh M.
AGP for Respondents : Mr. P.G. Borade.

**CORAM : S. V. GANGAPURWALA AND
MANGESH S. PATIL, JJ.**

DATE : 07/01/2020

PER COURT :

At the request of Mr. Kulkarni, learned advocate, leave to amend and add documents.

2. It appears that on 31.12.2019 the petitioner is now placed on a supernumerary post only on the ground that validation certificate is not submitted.

3. The validation proceeding is pending since 2003. The vigilance is also not yet conducted. The petitioner cannot be said to be at fault for non completion of validation proceeding. Unless and until the vigilance is conducted the petitioner has no role to play in the conduct of validation proceedings.

4. In the light of the above we pass following order.
5. The respondent No. 2-Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits, in accordance with law, expeditiously and preferable within 6 months from the date of the appearance of the petitioner before the Committee.
6. The petitioner shall appear before the Committee on 30.01.2020.
7. The impugned orders dated 31.12.2019 and 06.12.2019 are quashed and set aside. The respondent-employer shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending.
8. The respondent-employer may take further course of action depending upon the judgment that would be delivered by the Committee in validation proceeding.
9. The Writ Petition is accordingly allowed.

(MANGESH S. PATIL, J.)

(S. V. GANGAPURWALA, J.)

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