

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1483 OF 2020

YUVARAJ DANGAL WAGH

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr S.C. Yeramwar, Advocate for Petitioner
Mr P.S. Patil, Additional Government Pleader for
Respondent-State
Mr N.N. Desale, Advocate for Respondent No. 3

**CORAM : S.V. GANGAPURWALA
AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 22ND JANUARY, 2020

PER COURT :

1. Mr Yeramwar, the learned Counsel for the petitioner submits that the validation proceeding is pending since 2004 with the Scrutiny Committee. The vigilance is conducted. The reply has also been filed by the petitioner. The employer has issued show cause notice to the petitioner as to why adverse action should not be taken.

2. The learned Counsel Mr Desale appears for the employer and submits that as the petitioner is appointed from the reserved category and has not submitted the validity certificate, the employer is entitled to take action against the petitioner.

3. In light of that, we pass the following order :-

(i) The Committee shall decide the validation proceeding in respect of tribe claim of the petitioner within a period of three months from the date of appearance of the petitioner.

(ii) The petitioner shall appear before the Committee on 5th February, 2020.

(iii) The impugned show cause notice is quashed and set aside.

(iv) The employer shall not take adverse action against the petitioner only on the ground that the validation proceeding is pending.

(v) The employer may take further course of action against the petitioner depending upon the Judgment that would be delivered by the Committee in validation proceeding.

4. The writ petition is accordingly disposed of. No costs.

[SHRIKANT D. KULKARNI, J.] [S.V. GANGAPURWALA, J.]