

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

WRIT PETITION NO. 1552 OF 2020

Ankush Sheshrao Bhotkar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Deepak D. Chaudhari, Advocate for Petitioner.

Mrs. A. V. Gondhalekar, Addl. G. P. for Respondent Nos. 1 and 2.

Mr. R. S. Deshmukh, Advocate for Respondent No. 3.

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

DATED : 23rd JANUARY, 2020.

PER COURT:-

. Mr. Chaudhari, learned counsel for the petitioner submits that the validation proceeding in respect of the tribe claim of the petitioner is pending consideration with respondent No. 2. However, the respondent No. 3 / employer has issued notice to the petitioner to produce validity certificate or else his services would be terminated.

2. Mr. Deshmukh, learned counsel for respondent No. 3 submits that as the petitioner is appointed from reserved category, he is required to submit the validity certificate within a period of six months. On failure to submit the validity certificate, respondent is having powers to put an end to the services of the petitioner after six months.

The petitioner is working since one and half year.

3. We have also heard the learned Addl. G. P.

4. It is submitted that vigilance is not yet conducted. Till the vigilance is conducted, the candidate has no role to play in the validation proceeding. To get the validation proceeding decided within the stipulated period is not in the hands of a litigant.

5. Considering the above, we pass the following order.

6. The petitioner shall appear before the scrutiny committee on 06.02.2020. The respondent No. 2 / scrutiny committee shall decide the validation proceeding in respect of the tribe claim of the petitioner on its own merits, expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall co-operate in expeditious disposal of the said proceeding.

7. The impugned notice is set aside. The respondent No. 3 / employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The respondent No. 3 / employer may take further course of action depending upon the judgment that would be delivered by the

committee in the validation proceeding.

8. Writ petition accordingly is disposed of. No costs.

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.