

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

WRIT PETITION NO. 6358 OF 2020

Rupesh Sheshrao Garud

... Petitioner

Versus

Scheduled Tribe Certificate

Scrutiny Committee, Aurangabad and another ... Respondents

....

Mr. S. S. Phatale, Advocate for petitioner

Mr. P. S. Patil, Addl.G.P. for respondent No.1

Mr. A. M. Gaikwad, Advocate for respondent No.2

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**CORAM : S. V. GANGAPURWALA AND
R. G. AVACHAT, JJ.**

DATED : 23rd NOVEMBER, 2020

PER COURT :-

. The validity proceedings in respect of tribe claim of the petitioner is pending with the respondent No.1 - Committee.

2. The employer has issued notice, directing the petitioner to submit caste validity certificate, otherwise adverse action would be taken.

3. We have heard Mr. Phatale, learned counsel for the petitioner and Mr. Gaikwad, learned counsel for respondent No.2 - employer. Learned counsel submit that the petitioner is required to submit caste validity certificate within six months.

4. It is not in the hands of the litigant to get proceedings decided within stipulated period.

5. The respondent No.1 – Committee shall decide validation proceedings in respect of caste claim of petitioner, expeditiously preferably within a period of nine months from the date of appearance of the petitioner. The petitioner shall appear before the Scrutiny Committee on 14.12.2020 and co-operate in expeditious disposal of the proceedings.

6. The employer shall not take any adverse action against the petitioner on the ground of validation proceeding is pending.

7. The employer may take further course of action depending on the decision of the Committee in the validation proceedings. In case, the petitioner is otherwise eligible, then the respondent No.2 - employer may consider for grant of provisional

approval to the petitioner as ‘Technician’, the same will be subject to the decision that would be taken by the Scrutiny Committee in the validation proceedings.

8. The writ petition is disposed of. No costs.

[R. G. AVACHAT, J.]

[S. V. GANGAPURWALA, J.]

SMS