

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

WRIT PETITION NO. 6089 OF 2020

Vithal s/o Linguram Chandolkar

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

.....

Mr. Sagar S. Phatale, Advocate for the Petitioner

Mr. P.S.Patil, A.G.P. for Respondents No. 1 and 2

Mr. Ruchir Wani, Advocate holding for Mr. A.S.Bajaj,
Advocate for respondent No. 3

.....

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

DATE : 09-12-2020.

PER COURT :

01. The validation proceeding in respect of tribe claim of the petitioner is pending for verification with respondent No. 2. The learned Counsel for the petitioner submits that the vigilance is not yet conducted. Employer / respondent No. 3 has issued notice to produce validity certificate within 15 days, else the disciplinary action would be taken against the petitioner, as per provisions of law and promotional benefits would not be given.

02. The learned Advocate for the respondent No. 3 submits that in fact, the petitioner is expected to submit the validity certificate within six months, as per the Government Resolution. The petitioner is appointed in the year 1992. As the validity certificate is not yet submitted, rightly the impugned notice is issued to the petitioner.

03. It appears that the proposal was referred to the respondent No. 2 committee for validation of petitioner's tribe claim. In the year 2013 on the ground of defective caste certificate, proceeding is disposed of by the committal. Thereafter fresh claim is submitted in the year 2013 and the same is pending.

04. To get the proceeding decided within stipulated period, is not in the hands of the petitioner, more particularly when vigilance is yet not conducted.

05. In the light of the above, we pass following Order :-

ORDER

01. The impugned notice is quashed and set aside.

02. The respondent No. 2 committee shall decide the validation proceeding expeditiously and preferably within a period of six (6) months from the date of appearance of the petitioner before the committee.

03. The petitioner shall appear before the committee on 5.1.2021.

04. The respondent No. 3 / employer shall not take adverse action against the petitioner only on the ground that the validity proceeding is pending. Of course, the employer can take further action depending upon the Judgment that would be delivered by the committee in validation proceeding.

05. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI]

JUDGE

[S.V.GANGAPURWALA]

JUDGE

Dahibhate/-