

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

WRIT PETITION NO. 13257 OF 2019

Monali Digambar Badalwad

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. S. M. Vibhute, Advocate for the Petitioner.

Mr. S. B. Narwade, AGP for Respondent Nos. 1 and 2.

Mr. Avinash R. Salve, Advocate for Respondent Nos. 3 and 4.

**CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.
DATED : 31st JANUARY, 2020.**

PER COURT:-

. The validation proceeding in respect of the tribe claim of the petitioner is pending. The employer has issued notice to the petitioner to produce the validity certificate or else adverse action would be taken against the petitioner.

2. We have heard Mr. Vibhute, learned counsel for the petitioner and Mr. Salve, learned counsel for respondent Nos. 3 and 4. We have also heard the learned A.G.P

3. The validation proceeding in respect of the tribe claim of the petitioner is pending since June 2019. The petitioner was issued with the tribe certificate with incorrect spelling of the tribe. The petitioner had approached this Court. This Court under order dated 22.03.2017 in Writ Petition No. 3839 of 2017 directed the committee to decide the

proceeding within the stipulated period.

4. To get the proceeding decided within the stipulated period is not in the hands of the litigant. More particularly, before the vigilance report is submitted. It is contended that the vigilance is not yet conducted.

5. In the light of the above, we pass the following order.

6. The respondent No. 2 / committee shall decide the validation proceeding in respect of the tribe claim of the petitioner expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 11.02.2020. The petitioner shall cooperate in expeditious disposal of the proceeding. The impugned show cause notice is quashed and set aside. The employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The employer may take further course of action depending upon the judgment that would be delivered by the committee in the validation proceeding.

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

(SHRIKANT D. KULKARNI)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

P.S.B.