

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 1218 OF 2021

Laxman S/o Gangadhar Pupulwad

...Petitioner

Versus

The State of Maharashtra and Ors.

...Respondents

Mr G.K. Chinchole, Advocate holding for
Mr S.M. Vibhute, Advocate for Petitioner
Mrs V.S. Choudhari, A.G.P. for Respondent-State

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

DATE : 21st JANUARY, 2021

PER COURT :

1. The learned counsel for the petitioner submits that the validation proceeding is pending since the year 2017.
2. The employer has issued notice directing the petitioner to submit the validity certificate within a period of one month, else, the services of the petitioner would be terminated.
3. The learned counsel for the petitioner submits that the vigilance is not yet conducted.
4. It is not in the hands of the litigant to get proceeding decided within a stipulated period more particularly, when the vigilance is not yet conducted by the Committee.

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

(i) The respondent No. 2 shall decide the validation proceeding in respect of the tribe claim of the petitioner preferably within a period of six months from the date of appearance of the petitioner.

(ii) The petitioner shall appear before the Committee on 16th February, 2021.

(iii) The impugned 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 depending upon the judgment that would be delivered by the Committee in the validation proceeding.

6. Writ Petition is disposed of. No costs.

[SHRIKANT D. KULKARNI, J.]

[S.V. GANGAPURWALA, J.]

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