

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

WRIT PETITION NO. 6251 OF 2021

Raju Pandurang Yepurwar

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Pratap V. Jadhavar, Advocate for the Petitioner.

Mr. A. A. Jagatkar, AGP for Respondent Nos. 1 to 3.

**CORAM : S. V. GANGAPURWALA &
M. G. SEWLIKAR, JJ.**

DATED : 27th April, 2021.

PER COURT:-

. The tribe claim of the petitioner is pending consideration with the respondent No. 2 – Committee since the year 2010. Earlier the petitioner had filed Writ Petition No. 11012 of 2010. The same was disposed of by this Court under order dated 09.12.2010. This Court directed the Committee to decide the proceeding within a period of six (06) months from the date of order and also directed the respondent/employer not to take any adverse action against the petitioner on the ground of pendency of the tribe claim. In spite of that, again a notice is issued to the petitioner to submit the validity certificate or else his services would be terminated.

2. It is the contention of the petitioner that the validation proceeding is not yet decided. The learned counsel submits that the vigilance is conducted, however, he has not received the copy of the vigilance report.

3. The learned A.G.P waives notice for all respondents.

4. The petitioner shall appear before the Committee on 08.06.2021. The Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner within a period of four (04) months from the date of appearance of the petitioner.

5. If the Committee does not decide the proceeding within the stipulated period, then this Court would be constrained to take further action against the members of the Committee for contempt. We are constrained to pass this order as the Committee has failed to abide by the orders passed by this Court ten years back and has not yet decided the proceeding.

6. The impugned order is quashed and set aside.

7. The employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending.

8. The employer may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

9. Writ petition is disposed of. No costs.

(M. G. SEWLIKAR)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.