

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

WRIT PETITION NO. 7744 OF 2021

Sainath Gangadhar Birmod

.. Petitioner

Versus

Scheduled Tribe Certificate
Scrutiny Committee, Aurangabad
Through its Member Secretary and others

.. Respondents

Mr. Sagar S. Phatale, Advocate for the Petitioner.
Mr. P. K. Lakhotiya, AGP for Respondent No. 1.

**CORAM : S. V. GANGAPURWALA &
R. N. LADDHA, JJ.**

DATED : 16th JULY, 2021.

PER COURT:-

- . The validation proceeding in respect of the tribe claim of the petitioner is pending.
2. According to the learned A.G.P. for respondent No. 1, it is pending at the stage of vigilance.
3. The petitioner shall appear before the committee on 26.07.2021. The committee shall decide the validation proceeding within a period of four (04) months from the date of appearance of the petitioner.
4. If the committee does not decide the validation proceeding

within a period of four (04) months, we would take serious view of the matter and may issue notice of contempt against the Member Secretary. We are constrained to observe this because on 17.07.2019 in an earlier Writ Petition filed by the petitioner bearing Writ Petition No. 8686 of 2019, we had directed the committee to decide the proceeding, but the same is not yet done. Even prior thereto in Writ Petition No. 9245 of 2018 filed by the petitioner, this Court on 09.08.2018 had directed the committee to decide the proceeding within a period of seven (07) months. In spite of repeated directions, the proceeding is not decided.

5. In case, the petitioner is otherwise eligible, the respondents may not refrain the petitioner from taking admission in the 4th year Bachelor of Tech. (Chemical) Engineering only on the ground that validation proceeding is pending.

6. The respondents may take further course of action depending upon the judgment that may be delivered by the committee in the validation proceeding.

7. Writ petition is disposed of. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.