

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD
WRIT PETITION NO. 12212 OF 2021**

Rajkumar S/o Rohidas Raddewad
Age : 36 Years, Occu. Service,
R/o. Parchanda, Tq. Ahamadpur, Dist. Latur .. Petitioner

Versus

1. The State of Maharashtra
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai
2. The Schedule Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R) Aurangabad
3. The Superintendent of Post Offices,
Office of Superintendent of Post Offices,
Parbhani Division, Parbhani, Dist. Parbhani. .. Respondents

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

Mr. P. S. Patil, Addl. G. P for Respondent Nos. 1 and 2.

Mr. A. G. Talhar, ASG for Respondent No. 3.

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

DATED : 17th November, 2021.

ORAL JUDGMENT (PER S. V. GANGAPURWALA, J.) :-

. Rule. Rule made returnable forthwith. With the consent of parties taken up for final hearing.

2. The learned Addl. G. P. accepts notice for respondent Nos. 1 and 2. Mr. Talhar, learned A.S.G. accepts notice for respondent No. 3.

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

4. The petitioner had earlier filed Writ Petition No. 1166 of 2015 against the similar notice issued by the employer. This Court under

order dated 30.01.2015 directed the committee to decide the proceeding within a period of one year and had set aside the notice. It was further directed that the employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending.

5. It is submitted that the validation proceeding is still pending.

6. The learned counsel for the petitioner submits that the vigilance is also not conducted as yet. The committee ought to have decided the proceeding by now. Almost six years have lapsed the order has been passed by this Court.

7. Considering the above, we pass the following order.

8. The impugned communication is set aside. The committee shall decide the validation proceeding in respect of the tribe claim of the petitioner positively within a period of six (06) months from the date of appearance of the petitioner. The petitioner shall appear before the committee on 09.12.2021. If the committee does not decide the proceeding within the period stipulated herein, then we may take serious view of the matter. We are constrained to observe the same as in spite of earlier directions, for six years the matter is not decided by the committee.

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

10. Rule accordingly made absolute in above terms. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.