

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.525/2015

Shaikh Sikandar s/o Shaikh Nazirsab
Age 32 years, Occ-Nil
R/o A/p Panbhosi,Tq.Kandhar
Dist.Nanded

.. PETITIONER

Versus

- 1] The State of Maharashtra
Through it's Secretary,
Social Welfare Department
Mantralaya, Mumbai-400 032

[Copy to be served on Govt.
Pleader,High Court of Judicature
of Bombay, Bench at Aurangabad.

- 2] Zilla Parishad Palghar
Through its Chief Executive Officer
Palghar

- 3] The Education Officer (Primary)
Zilla Parishad,
Palghar.

..RESPONDENTS

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Mr.S.K.Mathpati,Adv. for petitioner
Mr.U.S.Mote,AGP for respondent State.

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**CORAM : S.V.GANGAPURWALA &
V.L.ACHLIYA,JJ.**

DATE : 15th January, 2015.

P.C. :

Heard learned counsel for the petitioner. The learned

counsel submits that this Court had set aside judgment of the Scrutiny Committee and remanded the matter for deciding the caste claim of the petitioner. After remand, the Committee validated the caste claim of the petitioner and issued validity certificate, as such order of termination is required to be set aside.

2] While remanding the matter to the Committee for deciding the validation proceedings afresh vide order dated 14/7/2014 in Writ Petition No.4108/2011, we have observed that the petitioner would be entitled to agitate the aspect of his termination in appropriate proceeding.

3] There is no impediment for the petitioner to approach the School Tribunal/appropriate forum for agitating his right against order of termination. All these aspects about the caste certificate being validated, can be considered by the Tribunal. The petitioner may claim all such reliefs including interim order before Tribunal which the Tribunal would consider on its own merits.

4] Writ Petition is accordingly disposed of with liberty to the petitioner to avail the alternate remedy. No costs. The Tribunal shall consider the time spent in prosecuting earlier Writ Petition and present Writ Petition.

V.L.ACHLIYA,J.

S.V.GANGAPURWALA,J.

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