

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.2234/2015

Shri Vedprakash s/o Bankat Karanwad
Age 25 years, Occu-Service
R/o Babalgaon,
Tq. & Dist.Latur

..PETITIONER

Versus

1] The State of Maharashtra
Through its Secretary
Tribal Development Department
Mantralaya, Mumbai-32

2] The Divisional Caste Scrutiny Committee
Latur Division, Latur
Department of Finan

3] The Deputy Director of Divisional
Agriculture Office, Latur
Division Latur.

..RESPONDENTS

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Mr.Kalyan Patil,Adv. For petitioner
Mrs.S.D.Shelke, AGP for respondent State.

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

DATE : 5th MARCH, 2015.

ORAL JUDGMENT [PER S.V.GANGAPURWALA,J. :

1] Rule. Rule made returnable forthwith. The learned AGP

waives notice of rule. With the consent of parties taken up for final hearing.

2] Mr. Patil, the learned counsel for the petitioner submits that, the petitioner is appointed as Clerk with respondent no.3 vide order dated 24/2/2014 from the reserved category i.e. Special Backward Class. The petitioner submitted his caste certificate with respondent no.3. Respondent no.3 forwarded the same to the respondent no.2 committee for validation. The said proceedings are pending. During pendency of the said proceeding, respondent no.3 terminated services of the petitioner on the ground that validity is not submitted. The learned counsel submits that though the caste claim of the petitioner is not invalidated still services of the petitioner are terminated. The same is illegal.

3] The learned AGP submits that the petitioner was required to submit his caste certificate and the relevant documents within six months from the date of appointment. As the said certificate and the documents were not submitted within six months, the services of the petitioner are terminated. The learned counsel relies on the Government Resolution dated 12/12/2011.

4] We have considered the submissions canvassed by the respective counsel. It is not disputed that the respondent no.3 has forwarded the caste certificate submitted by the

petitioner to the respondent no.2 committee for validation and the said proceedings are still pending. It is also not disputed that the petitioner is appointed on 10/10/2014 from S.B.C. Category, when the proceedings are still pending with the committee the respondent no.3 ought not to have terminated the services of the petitioner on the ground that the validity certificate is not submitted. To get the proceeding decided within stipulated period is not in the hands of a litigant. Considering above, we pass following order :

5] The impugned order terminating services of the petitioner is quashed and set aside. The petitioner is reinstated to his original post, however, the petitioner would not be entitled for backwages from the date of termination till the date of this order. The said period shall be counted for continuity and other consequential benefits. The respondent no.3 employer is entitled to take such further steps after the judgment of the committee in the validation proceedings. Ofcourse if the judgment is adverse to the petitioner, petitioner can also take steps against the said judgment.

6] Rule accordingly is made absolute in above terms. No costs.

V.L.ACHLIYA,J. S.V.GANGAPURWALA,J.

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