

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

998 WRIT PETITION NO. 3680 OF 2015

- 1) Gokul S/o. Tulchand Suryawanshi,
Age : 46 years, Occ: Service,
R/o. Amole, Post Bodhgao,
Tq. Sakri, District Dhule. .. PETITIONER.

VERSUS

- 1) The State of Maharashtra,
through its Secretary,
Rural Development Deptt.,
Mantralaya, Mantralaya-32.
- 2) The Zilla Parishad,
Nandurbar, through its
Chief Executive Officer ...RESPONDENTS.

...

Mr. S.R. Barlinge, Advocate for Petitioner.
Mr. S.K.Kadam, AGP for Respondents No.1
Mr. P.S. Patil, Advocate for Respondent No.2

...

**CORAM : S.S. SHINDE &
P.R.BORA, JJ.**

DATE : 06th May, 2015.

...

PER COURT:-

- 1) Heard.
- 2) Rule. Rule made returnable forthwith.
- 3) This Petition takes exception to the impugned termination order dated 01.03.2011. The learned Counsel for the Petitioner submits that, the Scheduled Tribe Certificate Scrutiny Committee has validated the tribe claim of the Petitioner. The learned Counsel for the Petitioner

invited our attention to Exhibit 'C' of the compilation of the Petition and submits that, petition deserves to allowed.

4) The fact that, validity certificate is issued to the Petitioner that, he belongs to 'Kokani' Scheduled Tribe, is not in dispute. Respondent No.2 terminated the services of the Petitioner only on the ground of non-submission of the validity certificate. Since the validity certificate is issued in favour of the Petitioner, the ground to terminate the services of the Petitioner is no more available to the Respondents.

5) The Impugned termination order dated 01.03.2011 is quashed and set aside. Rule made absolute in terms of prayer clauses 'A' and 'B' of the Petition.

6) We make it clear that, the Petitioner will not be entitled for the backwages for the period during which he has not actually rendered the services with the Respondent No.2. However, the Petitioner will be entitled for reinstatement in services with all other benefits. Writ Petition is disposed of.

[P.R.BORA, J.]

[S.S.SHINDE, J.]