

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

**WRIT PETITION NO. 4468 OF 2011
WITH
CIVIL APPLICATION NO. 3197 OF 2012**

Shantaram Sitaram Sonawane .. Petitioner

Versus

The State of Maharashtra and Others .. Respondents

Shri A. G. Talhar, Advocate for the Petitioner

Shri S. A. Ambade, A. G. P. for the Respondent No. 1 and 3

Shri R. P. Phatke and P. S. Patil, Advocate for the Respondent
No. 2

Shri R. J. Godbole, Advocate for the Respondent No. 4

**CORAM : S. V. GANGAPURWALA AND
A. I. S. CHEEMA, JJ.**

DATE : 30TH APRIL, 2015.

PER COURT :

1. The petitioner assails the order of the Committee invalidating his Tribe claim as belonging to 'Tokare Koli' Sheduled Tribe. During the pendency of the writ petition the petitioner is terminated on account of invalidation of the Tribe Claim. The said order of termination is also assailed in the

present writ petition.

2. Mr. Talhar the learned counsel on instructions of the petitioner, who is present in the Court makes a statement that petitioner is ready to forego his claim as belonging to 'Tokare Koli' Sheduled Tribe and would accept the judgment of the Committee. The learned counsel submits that, the petitioner is also ready to forego the back wages and also undertakes that he will not claim any promotion after he is reinstated on his original post of Assistant Teacher. Further the Management should reinstate the petitioner in June, 2015 in any of its Institution, wherever vacancy arises in June, 2015.

3. Mr. Godbole the learned counsel for the Institution submits that, the Institution is ready to reinstate the petitioner in June, 2015 on a vacant post which would be available in any of its school as a Assistant Teacher provided the petitioner does not claim back wages and would not claim further promotion in what so ever capacity.

4. As the judgment of the Committee is accepted by the petitioner invalidating his Tribe claim the said judgment stands confirmed and upheld. The petitioner henceforth shall not be entitled for the benefit of reservation in service or in any walk of

life. The entry of this order shall be taken in the Service Book of the petitioner. The impugned order dated 20.02.2012 terminating the petitioner is quashed and set aside. The respondent Institution shall reinstate the petitioner in service on his original post in June, 2015. The petitioner shall not be entitled for the back wages from the date of termination till 31st May, 2015. However, the period from termination till the date of reinstatement shall be considered for the purpose of continuity and further monetary benefits including retiral benefits. The petitioner shall not be entitled for the promotion as is agreed by the petitioner.

5. The petitioner shall be entitled for the scale which he was drawing at the stage of termination from the date of reinstatement.

6. Writ Petition accordingly disposed of. Civil Application also disposed of. No costs.

[A. I. S. CHEEMA, J.]

[S. V. GANGAPURWALA, J.]