

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

WRIT PETITION NO. 7147 OF 2014

Ravindra Nathu Sapkale

.. Petitioner

Versus

The State of Maharashtra and another .. Respondents

Shri S. R. Barlinge, Advocate for the Petitioner.

Smt. S. A. Dhumal, Advocate for the Respondent No. 1.

Shri Manoj Shinde, Advocate h/f Shri M. K. Goyanka, Advocate
for the Respondent No. 2.

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

DATE : 05TH FEBRUARY, 2015.

PER COURT :

. The petitioner is challenging the order of termination issued to him and seeks reinstatement. The learned counsel for the petitioner relies on the judgment of the Full Bench of this Court in a case of **Arun Sonawane Vs. The State of Maharashtra and others** reported in **2015(1) Mh.L.J. 457**.

2. The learned counsel for the respondent No. 2/employer submits that, the petitioner has been terminated. His validation proceedings in respect of tribe claim is pending. Earlier Writ Petition No. 8578 of 2012 was filed. This Court vide order dated

24.01.2013 disposed of said writ petition and directed the Committee to decide the claim within three months and in case claim is validated the petitioner is entitled to apply for restoration of status.

3. We have considered the submissions canvassed by learned counsel for respective parties. The petitioner would be entitled for protection in service, if the Committee invalidates the tribe claim of the petitioner on the ground of lack of evidence that is on the ground otherwise than fraud, misrepresentation and forgery.

4. In the light of the fact that, the validation proceedings are still pending and the order passed by this Court dated 24.01.2013 in Writ Petition No. 8578 of 2012, it would not be possible for this Court to pass a contrary order. Interest of justice would be subserved by passing following order.

5. The Committee shall decide the validation proceedings in respect of tribe claim of the petitioner as directed by this Court vide order dated 24.01.2013 in Writ Petition No. 8578 of 2012.

6. In case the petitioner's tribe claim is validated, then as per order dated 24.01.2013 passed in Writ Petition No. 8578 of 2012, the petitioner would be entitled to apply for restoration of his status.

7. Now in view of the judgment of the Full Bench of this Court in case of **Arun Sonwane** referred supra, the petitioner may apply for restoration of his status, even after his claim is invalidated on ground otherwise than of fraud, forgery and misrepresentation. The writ petition accordingly is disposed of. No costs.

[**V. L. ACHLIYA, J.]**

[**S. V. GANGAPURWALA, J.]**

bsb/Feb. 15