

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

WRIT PETITION NO. 9348 OF 2015

Ramesh s/o Bhagwat Rudre
age 25 years, occ. Member of Grampanchayat
r/o Pahadi Pargaon, Tq. Dharur
Dist. Beed.

.. PETITIONER

VERSUS

1. The State of Maharashtra
Through Secretary to Tribal Development
Department, Mantralaya, Mumbai.
2. The Divisional Controller,
Maharashtra State Road Transport Corporation
Osmanabad Division, Osmanabad
Dist. Osmanabad.
3. The Scheduled Tribe Certificate
Verification Committee, Aurangabad
Through its Deputy Director (R)
Aurangabad.

.. RESPONDENTS

Mr. S.M. Vibhute, advocate for petitioner.
Mr. U.S. Mote, AGP for the State.
Mr. D.S. Bagul, advocate for respondent no. 2.
Mr. A.B. Tele, advocate for respondent no. 3.

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**CORAM : R.M. BORDE &
A.I.S. CHEEMA, JJ.
DATE : 14th DECEMBER, 2015.**

ORAL JUDGMENT : (PER R. M. BORDE, J.)

1. Heard.
2. Rule. Rule made returnable forthwith. With the consent of the parties, petition is taken up for final disposal at admission stage.
3. Petitioner is similarly placed as in the case of petitioners who

approached this Court by presenting Writ Petition nos. 6103/2015 and 6192/2015. Since the facts giving rise to the instant petition are similar to the facts giving rise to aforesaid petitions, this petition can also be disposed of by issuing identical directions.

4. Learned counsel for respondent no. 3 – Committee states on instructions that the tribe validation claim in respect of petitioner pending with the Committee would be decided within a period of six months from today. The statement made is accepted.

5. The services of the petitioner have been terminated with effect from 27.03.2015 by respondent no. 2. Learned counsel for petitioner states on instructions that the petitioner would not claim backwages in the event of his re-instatement subject to validation of the tribe certificate by the competent scrutiny committee. It is not a matter of dispute that petitioner was provisionally appointed to the post of conductor subject to production of validation certificate however, since he failed to submit validation certificate, his services have been terminated.

6. In the facts of the case, this petition stands disposed of with following directions :

I. Impugned order is quashed and set aside.

II. Respondent no. 2 is directed to re-instate petitioner on the post of conductor. Petitioner shall not be entitled to claim backwages from the date of

termination till the date of re-instatement.

III. Petitioner shall be re-instated within a period of 15 days, subject to decision of the Scrutiny Committee in respect of validation of tribe certificate. Though petitioner has not claimed backwages, in the event of his continuation after decision on the proposal by the Scrutiny Committee, the period of absence on account of order of termination shall be construed as continuous service for the purpose of extending other benefits.

7. Rule made absolute to the extent specified above. In the facts and circumstances of the case, there shall be no order as to costs.

(A.I.S. CHEEMA)
JUDGE

(R. M. BORDE)
JUDGE

dyb