

FARAD CONTINUATION SHEET NO.

IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
APPELLATE SIDE, BENCH AT AURANGABAD

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Office Notes, Office  
Memoranda of Coram,  
appearances, Court's  
orders or directions  
and Registrar's orders

Court's or Judge's orders

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WRIT PETITION NO. 11713 OF 2014

PRABHAKAR NARAYAN INGALE  
VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

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Advocate for Petitioner : Mr.Jadhavar Pratap V.

AGP for Respondents/State: Mr.G.R. Ingole.

Advocate for Respondent 2 : Mr. Bade Patil K.D.

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

**Dated: MARCH 20, 2015**

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In spite of service, none appears for respondent No.3. This petition takes exception to the order dated 15th December, 2014 issued by the Head Master, Sharda Secondary and Higher Secondary Vidhya Mandir, Varud (Bk), Tq. Bhokerdan, Dist. Jalna.

2 The learned Counsel for the petitioner submits that tribe claim of the petitioner is pending before the respondent No.2 – committee. The same was forwarded through respondent No.3. It is further submitted that services of the petitioner are

terminated solely on the ground that he did not submit the tribe validity certificate.

3 The learned Counsel for the petitioner places reliance on the unreported judgment dated 1<sup>st</sup> April, 2013 delivered by this Court in case of **Arun Mohanrao Tapse vs. Scheduled Tribe Certificate Scrutiny Committee and another** in **Writ Petition No.2135 of 2013** and submits that in similar set of facts, this Court directed the Scrutiny Committee to decide the claim of the petitioner therein within a stipulated period and set aside the order of termination of the petitioner therein. Therefore, he submits that the petition may be allowed.

4 The learned Counsel for the respondent No.2, on instructions, submits that the tribe claim of the petitioner is pending before the respondent No.2 committee.

5 We have heard the learned Counsel for the petitioner and respondent No.2. It is not in dispute that petitioner's tribe claim is pending for validation before the respondent No.2. Therefore, services of the petitioner could not have been terminated by the employer pending tribe claim of the petitioner. The learned Counsel for the

petitioner is right in placing reliance on the unreported judgment in case of **Arun Mohanrao Tapse** (supra) wherein, in similar set of facts, this Court set aside the order of termination of services of the petitioner therein by directing the Committee to decide the tribe claim of the petitioner.

6 In the facts and circumstances of this case, petition is disposed of by directing the respondent No.2 – Committee to take decision on the validation claim lodged by the petitioner, as expeditiously as possible, and preferably within six months from today. The order dated 15th December, 2014 passed by the Respondent No.3 terminating services of the petitioner is hereby quashed and set aside and the respondent No.3 is directed to permit the petitioner to resume his duties, pending decision on his tribe claim by the respondent No.2 committee.

Petition is disposed of on above terms. Parties to act upon authenticated copy of this order.

(P.R. BORA,, J)

(S.S. SHINDE, J)