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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

BENCH AT AURANGABAD

WRIT PETITION NO.4450/2016

Manojkumar s/o Indrasing Patil,
age 32 yrs., occu.service,
r/o Mahalaxmi Colony, Bhadgaon
Tq.Bhadgaon Dist.Jalgaon.
...Petitioner..

Versus

- 1] The State of Maharashtra,
(Through its Secretary,
School Education Department,
Mantralaya, Mumbai-32)
 - 2] The Divisional Caste Certificate
Scrutiny Committee, Nashik Division,
Committee No.2, Dhule.
 - 3] The Education Officer (Secondary),
Zilla Parishad, Nashik.
 - 4] The Head Mistress,
Chhatre New English School,
Manmad Dist.Nashik.
 - 5] The President / Secretary,
Shriram Education Society, Manmad.
Dist.Nashik.
- ...Respondents...

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Shri Vijay A. Dhakne, Advocate for petitioner.
Shri P.S. Patil, AGP for respondent nos.1 to 3.
Shri P.K. Joshi, Advocate for respondent nos.4 & 5.

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**CORAM: R.M. BORDE &
K.L. WADANE, JJ.**

DATE: 24.06.2016

ORAL JUDGMENT (Per Borde, J.) :

1] Heard learned counsel for the parties. Rule. Rule made returnable forthwith and with the consent of learned counsel for the parties, the petition is taken up for final disposal.

2] the petitioner claims to belong to Rajput Bhamta – Vimukta Jati. He has been appointed as Shikshan Sevak as against a seat earmarked for Vimukta Jati category by an order dated 10.7.2013 by the respondent no.5. Immediately after appointment of the petitioner, the caste certificate has been referred to the scrutiny committee for verification. The petitioner contends that the validation claim referred to the committee is pending since 16.9.2013 and no decision has been rendered as yet.

3] As a result of failure of the petitioner to submit the validation certificate, his services have been terminated by the management with effect from 1.4.2016. The petitioner in fact approached this Court on 12.4.2016 and this Court was pleased to direct protection of services of the petitioner by way of an interim order issued on 21.4.2016. However, before the order was

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served on the respondents, the services of the petitioner were already terminated.

4] It is not a matter of dispute that the validation claim in respect of the certificate issued to the petitioner is pending with the scrutiny committee. In the facts of this case, the scrutiny committee needs to be directed to take decision on the validation claim pertaining to the petitioner as expeditiously as possible and preferably within a period of six months from today and it is accordingly directed.

5] Since the appointment of the petitioner has been terminated on account of his failure to submit the validation certificate and as we are issuing the orders to the scrutiny committee to take decision in respect of the validation claim, the order issued by the management i.e. respondent nos.4 & 5 directing termination of services of the petitioner need to be quashed and set aside and the same is accordingly quashed and set aside. The respondent nos.4 & 5 are directed to reinstate the petitioner in employment immediately. It is needless to clarify that the reinstatement of the petitioner is subject to outcome of the decision by the scrutiny

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committee in respect of validation claim of the petitioner pending with the committee.

6] It is informed that the petitioner has not been paid remuneration for the post of Shikshan Sevak from the date of his appointment. The respondent no.3 has approved the services of the petitioner. The school receives the grant-in-aid. In this view of the matter, the respondent nos.3 & 5 are directed to disburse the remuneration to the petitioner as a Shikshan Sevak from the date of his appointment till today within a period of eight weeks from today.

7] The writ petition is disposed of. Rule is made absolute accordingly. There shall be no order as to costs.

(K.L. WADANE, J.)

(R.M. BORDE, J.)