

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

WRIT PETITION NO. 7664 OF 2016

Maroti Kaduba Gawali (Gavli) .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Y. B. Bolkar, Advocate h/f Shri L. S. Mahajan, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1 and 3.

Shri Rakesh Jain, Advocate h/f Shri D. S. Bagul, Advocate for the Respondent No. 2.

**CORAM : S. V. GANGAPURWALA AND
K. L. WADANE, JJ.**

DATE : 27TH FEBRUARY, 2017.

PER COURT :

. The learned counsel submits that, the petitioner was appointed on 21.01.2000. The petitioner was terminated on 19.11.2005 on the ground that his caste claim is invalidated on 30.08.2005. According to the learned counsel there are no allegations of fraud or misrepresentation.

2. It appears that, the claim has been invalidated on the ground that, the petitioner could not produce sufficient evidence of his father and forefather. There are no allegations of fraud or misrepresentation in the judgment passed by the Committee

invalidating the tribe claim of the petitioner.

3. The petitioner seeks protection in service in view of the judgment of the Full Bench of this Court in a case of **Arun Vishwanath Sonone Vs. State of Maharashtra and others** reported in **2015(1) Mh.L.J. 451**.

4. The learned counsel for the respondent No. 2 on instructions states that, vacancy is available with the respondent No. 2.

5. Considering the statement made by the respondent No. 2, we pass following order.

6. The impugned termination order dated 19.11.2005 is quashed and set aside. The respondent No. 2 shall reinstate the petitioner on his original post. The petitioner shall not be entitled for backwages, however, the petitioner shall be entitled for continuity in service and the said period shall be counted for other consequential benefits. The petitioner 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 writ petition is disposed of. No costs.

[**K. L. WADANE, J.**]

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