

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

WRIT PETITION NO. 10821 OF 2016

Maroti S/o Sayabu Sudewad,
Age : 29 years, Occu. :Service,
R/o Ganipur, Tq. Umri,
District- Nanded.

.. Petitioner

Versus

1. The State of Maharashtra,
through its Secretary,
Tribal Development Department,
Mantralaya, Mumbai.
2. The Secretary,
Shiv Chatrapati Shikshan Sanstha
Latur C/o Rajarshi Shahu Mahavidyalaya,
Latur, Dist. Latur.
3. The Principal,
Rajarshi Shahu Mahavidyalaya,
(Autonomous) Latur, Dist. Latur.
4. The Joint Director of Higher Education,
Nanded Region, Nanded,
Dist. Nanded.
5. The Registrar,
Swami Ramanand Tirth Marathwada,
University, Nanded, Dist. Nanded.
6. The Scheduled Tribe Caste Certificate
Verification Committee Aurangabad,
Through its Dy. Director (R),
Aurangabad.

.. Respondents

Shri S. M. Vibhute, Advocate for the Petitioner.

Shri P. S. Patil, Addl.G.P. for Respondent Nos. 1, 4 and 6.

Shri P. D. Suryawanshi, Advocate for the Respondent No. 2 and 3.

Shri U. S. Malte, Advocate for the Respondent No. 5.

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

DATE : 19TH JANUARY, 2017.

ORAL JUDGMENT (*Per S. V. Gangapurwala, J.*) :-

. Rule. Rule made returnable forthwith. With the consent of parties, taken up for final hearing.

2. The petitioner herein was appointed from the Scheduled Tribe category as an Assistant Professor (Chemistry) pursuant to the appointment order dated 29.03.2016. The learned counsel for the petitioner states that, the services of the petitioner were also approved vide approval dated 17.05.2016 by the university. The learned counsel submits that, abruptly the services of the petitioner are terminated. The tribe claim of the petitioner is referred to the Committee for validation on 03rd September, 2016. The endorsement is made on service book regarding termination of the petitioner on 05th October, 2016. The learned counsel submits that, the petitioner could not have been terminated, pending validation proceedings. The petitioner is entitled to the protection till the validation proceedings is decided.

3. Mr. Suryawanshi, the learned counsel for respondent Nos. 2 and 3 submits that, the appointment order issued to the petitioner is specific. It categorically lays down the condition that the petitioner should produce the validity certificate within a period of six months. As the petitioner failed to produce the validity within stipulated period of six months, the services of the petitioner are rightly terminated.

4. We have also heard the learned Additional Government Pleader for respondent Nos. 1, 4 and 6.

5. It is not disputed that the validation proceedings in respect of tribe claim of the petitioner is pending with the Committee. To get the proceedings decided within stipulated period is not in the hands of a litigant. Of course, the petitioner has to cooperate in expeditious disposal of the proceedings.

6. We had asked the learned counsel for respondent Nos. 2 and 3, as to whether the post held by the petitioner is still vacant. The learned counsel for respondent Nos. 2 and 3 on instructions accepts that the post is vacant, however, proposal is submitted for sanction to fill in the post, which was held by the petitioner.

7. Considering the fact that, the post on which the petitioner

was working is still admissible and is not filled in and that the validation proceedings in respect of tribe claim of the petitioner is still pending, we pass following order.

8. The respondent No. 6/Committee shall decide the validation proceedings in respect of tribe claim of the petitioner expeditiously and preferably within a period of one (01) year from today. The petitioner shall cooperate in expeditious disposal of the proceedings.

9. The respondent Nos. 2 and 3 shall reinstate the petitioner on his original post on or before 25.01.2017. The petitioner will be entitled for the continuity in service, however, will not be entitled for the salary/wages from the date of termination till the date of joining.

Rule accordingly is made absolute in above terms. No costs.

Sd/-

[K. L. WADANE, J.]

Sd/-

[S. V. GANGAPURWALA, J.]