

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 388 OF 2016

Netaji Dattu Mane

.. **Petitioner**

Versus

The State of Maharashtra and others

.. **Respondents**

Shri Vilas M. Humbe, Advocate for the Petitioner.

Shri P. S. Patil, Addl. G. P. for Respondent Nos. 1, 2, 4 and 5.

Shri Pravin S. Patil, Advocate for Respondent No. 2.

Shri D. S. Bagul, Advocate for Respondent No. 3.

CORAM : **S. V. GANGAPURWALA &**
MANGESH S. PATIL, JJ.

DATE : **21st September, 2017**

PER COURT :

1. Mr. Humbe, learned counsel for the petitioner submits that the petitioner is challenging the impugned order dated 17.1.2004 passed by respondent No. 3 and seeking directions to reinstate the petitioner in service as a Conductor with continuation in service. It is submitted that, unnecessarily when the caste claim of the petitioner was invalidated, the petitioner had approached this court and filed writ petition bearing No. 6124 of 2004, the same was decided on 24th March, 2006 and this court had set aside the judgment of the committee and remitted the matter back to the committee for fresh decision. After the matter was remitted back no decision is communicated to the petitioner. The petitioner is required to be reinstated in service.

2. We had adjourned this matter many times to enable the learned Addl. G. P. to state the status of the validation proceeding of the petitioner after remand of the matter. The learned Addl. G. P. submits that, the search of the file of the petitioner's proceeding is being taken, the file is not being traced out.

3. According to the petitioner, the said proceeding is not yet decided and no order is communicated to the petitioner.

4. The matter was remitted by this court in March-2006, 11 years have lapsed. In case, the proceeding is not decided then, and the file is not traced out, the file of the petitioner shall be reconstructed. The petitioner shall cooperate in reconstructing the file. The petitioner may appear before the committee on 3rd November, 2017. In case, the file is required to be reconstructed and no decision has been taken then, the committee shall decide the said proceeding expeditiously and preferably within 6 months from the date of appearance of the petitioner. The petitioner is entitled to reagitate its claim with regard to reinstatement depending upon the judgment that will be delivered by the committee in the validation proceeding.

5. The writ petition is disposed of. No costs.

[MANGESH S. PATIL, J.]

[S. V. GANGAPURWALA, J.]

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