

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

1032 WRIT PETITION NO. 4253 OF 2018

RAHUL LAXMANRAO PASALWAD  
VERSUS  
THE STATE OF MAHARASHTRA AD OTHERS

...

Advocate for Petitioner : Mr. Panpatte V.S.  
AGP for Respondent Nos 1, 2 and 4 : Mr. P.S. Lakhotiya

...

**CORAM : S.V.GANGAPURWALA  
AND  
SUNIL K.KOTWAL, JJ.**

**DATE : JULY 27, 2018**

**O R D E R :**

Though respondent no. 3 is served, none appears for respondent no. 3.

2. Mr. Panpatte, learned counsel submits that tribe claim of the petitioner is pending consideration with the Committee. Earlier for non-submission of validity certificate the services of the petitioner were terminated. The petitioner had filed Writ Petition No. 426 of 2016. The said writ petition was allowed. The order directing termination of services

of the petitioner was set aside and the directions were issued by the court directing respondents to pay salary to the petitioner as admissible to the Assistant Teacher in the prescribed pay scale. Thereafter, order was passed and salary was being paid, however on 29.3.2017, a letter is issued by the Head Master saying that from April, 2017 the salary can be stopped for non furnishing validity certificate. According to the learned counsel, the petitioner is not at fault for non compliance of validation proceedings.

3. The learned AGP submits that in the validation proceedings vigilance has been conducted and now the petitioner has filed say to the vigilance report.

4. It is not disputed that even today the validation proceedings are pending. This court in Writ Petition No. 426 of 2016 filed by the present

petitioner under order dated 11.2.2016 observed as under :

" For the reasons stated in the accompanying judgment, the Court quashes and set aside the order passed by the respondent no.3, directing termination of the services of the petitioner by order dated 3.12.2015. The Court directs the respondent no.3 to reinstate the petitioner in employment as an Assistant Teacher as expeditiously as possible, preferably within a period of three weeks from today. Since the petitioner has completed three years tenure as a Shikshan Sevak on 30.6.2011, he shall be entitled to receive the salary admissible to an Assistant Teacher in the prescribed pay scale. The Court also directs that arrears of salary receivable by the petitioner from 1<sup>st</sup> July 2008 till his reinstatement shall be disbursed by the respondents within a period of eight weeks from today."

5. In view of the order passed by the Court, it was not permissible for the Headmaster to issue letter dated 29.3.2017 (Exgh. F), more particularly when the validation proceedings were pending. To complete validation proceedings within the stipulated time is not in the hands of the litigant. It is submitted that vigilance is already completed in the validation proceedings.

6. Considering the above, we pass following order :

(i) The petitioner shall appear before the Committee on 29.8.2018 and file his say to the vigilance report. The petitioner shall co-operate in expeditious disposal of the validation proceedings. The validation proceedings shall be decided by the end of December, 2018.

(ii) The letter dated 29.3.2017 (Exh. F) issued by the Headmaster is quashed and set aside.

(iii) Respondent no. 3 shall submit salary bills of the petitioner for the period the petitioner is not paid salary till date and till the decision of the Committee in validation proceedings. The salary bills for the arrears shall be submitted within four weeks from today. The petitioner shall communicate this order to respondent no. 3 and respondent nos. 3 and 4 are entitled to take further course of action depending upon the judgment that would be delivered in validation proceedings.

iv) The writ petition is allowed accordingly.  
No costs.

[SUNIL K.KOTWAL, J.] [S.V.GANGAPURWALA, J.]

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