

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

WRIT PETITION NO.14271 OF 2017

Shantaram Tulshiram Wagh .. Petitioner

Versus

The State of Maharashtra and ors. .. Respondents

Mr P.V. Jadhavar, Advocate for petitioner
Mr P.S. Patil, A.G.P. for respondent nos.1 and 2
Mrs Ashwini Hoge Patil, Advocate h/f Mr A.S. Hoge, Advocate for
respondent no.3

**CORAM : S.V. GANGAPURWALA &
A.M. DHAVALA, JJ**

DATE : 10th April 2018

PER COURT

1. Shri Jadhavar, learned counsel for the petitioner submits that the validation proceeding in respect of the tribe claim of the petitioner is pending with the Committee, same is not yet decided. However, the respondent no.3 - employer has terminated the services of the petitioner on the ground that the validity is not submitted.

2. Larned Assistant Government Pleader, on instructions, accepts that the validation proceeding is pending and the Committee has referred the matter to the vigilance.

3. The learned counsel for respondent no.3 submits that, as the petitioner failed to submit the validity certificate within six months, the respondent no.3 has rightly taken the action. The petitioner is appointed from reserved category and cannot be allowed to get the benefit without submitting the validity certificate.

4. To get the validation proceeding decided within the stipulated time is not in the hands of the litigant. Even as yet the vigilance has not been conducted by the Committee.

5. Considering the above, we pass the following order:

ORDER

(I) The Committee shall decide the validation proceeding in respect of the tribe claim of the petitioner within a period of nine months from today.

(II) The petitioner shall appear before the Committee on 17.4.2018.

(III) The impugned order terminating the petitioner from the services is quashed and set aside.

(IV) The respondent no.3 shall reinstate the petitioner in service subject to the decision of the Committee In the validation proceeding.

(V) The petitioner shall be reinstated in service within fifteen days from today.

(VI) The petitioner shall not be entitled for the salary from the date of his termination till the date of reinstatement, however, the said period shall be counted for continuity.

(VII) The respondent no.3 is entitled to take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceeding.

(VIII) The petitioner shall co-operate in expeditious disposal of the validation proceeding.

6. Writ Petition is accordingly disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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