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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION**

WRIT PETITION No. 11197 OF 2018

Shri Kumar Hanamant Mane

....Petitioner

Vs.

State of Maharashtra

Through Its Secretary and ors.

....Respondents

Mr. C.K. Bhangoji i/b. Mr. Kuldip T. Pawar for Petitioner

Mr. Abhijit M. Adagule for Respondent Nos.2 and 3

Ms. Vaishali Nimbalkar -AGP for Respondent Nos.1 to 5

CORAM : SMT.SADHANA.S. JADHAV, J.

DATE : OCTOBER 25, 2018

P.C.:

1. Heard. Rule. Rule made returnable forthwith with the consent of the parties.

2. The Petitioner herein impugns the judgment and order dated 15th of September, 2017 passed by the University and College Tribunal. The Petitioner herein was working as a Lecturer in the subject of Economics. He belongs to a reserved category i.e. Chambhar Community. He was appointed on the post reserved for Schedule Caste. He was working as a Lecturer in the College of Respondent No.2. That in the year 2015, his caste certificate was sent for validation to the Caste Verification Scrutiny Committee. He had not submitted the validity certificate within the stipulated time. That the Caste Verification Scrutiny Committee had rejected the claim for want of sufficient evidence. In the meanwhile, the Petitioner was terminated on the said ground.

3. Being aggrieved by the order passed by the Caste Verification Scrutiny Committee, the Petitioner had filed a writ petition being Writ Petition No. 1154 of 2018.

4. The Learned College Tribunal had set aside the order of termination on the ground of failure to submit the caste certificate within the notice period. However, the relief of reinstatement with back-wages and consequential benefits were denied as the caste validity certificate was not submitted. In the judgment, the Tribunal had observed that in any case, the said relief would be subject to the decision of the High Court.

5. The Hon'ble Division Bench of this Court vide judgment and order dated 12th October, 2018 has allowed the writ petition No. 1154 of 2018. It is held and declared that the Petitioner belongs to Chambhar Schedule Caste.

6. The learned counsel for the Petitioner submits that the Petitioner is to retire on superannuation on 30th October, 2018.

7. In view of the judgment and order of the Division Bench of this Court in Writ Petition No.1154 of 2018, the judgment and order passed by the College Tribunal deserves to be quashed and set aside. The Petitioner is entitled to reinstatement with back-wages and consequential benefits.

8. The learned counsel for the Petitioner, upon instructions, submits that the Petitioner would not claim interest on back-wages

or any other consequential benefits.

9. The petition is allowed. Respondent No.2 shall allow the Petitioner to join the services on 29th October, 2018. Rule is made absolute in the above terms.

10. Parties to act on an authenticated copy of the order.

[SMT.SADHANA S. JADHAV, J.]

Vaishali Tikam