

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

WRIT PETITION NO. 528 OF 2019

Ashok Ranjana Rajesulwar .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri Pratap V. Jadhavar, Advocate for the Petitioner.

Shri P. S. Patil, A.G.P. for Respondent Nos. 1 to 3.

Shri A. D. Wanje, Advocate for the Respondent No. 4.

**CORAM : S. V. GANGAPURWALA AND
ANIL S. KILOR, JJ.**

DATE : 27TH AUGUST, 2019.

FINAL ORDER :

. The petitioner is terminated under order dated 25.11.2017 by the employer. The same is assailed in the present writ petition.

2. Mr. Jadhavar, the learned counsel for the petitioner submits that, the petitioner was appointed by the respondent No. 4 from the Scheduled Tribe category. The proposal for verification of the tribe claim of the petitioner was referred by the employer to the respondent No. 2/Committee. The respondent No. 2/Committee rejected the tribe claim on the ground that spelling of the tribe in the tribe certificate is wrongly

spelt. The learned counsel further submits that, thereafter under order of this Court, the petitioner obtained corrected tribe certificate and proposal is submitted to the Committee for verification on 19th August, 2019. The learned advocate further submits that, the petitioner was duly prosecuting proceeding before the Committee. It is only on account of wrong spelling in the tribe certificate, the Committee did not decide the validation proceeding on merits and the respondent No. 4 has terminated the petitioner only on the ground of non submission of validity certificate.

3. Mr. Wanji, the learned advocate for the respondent No. 4 submits that, the petitioner was required to submit the validity certificate within stipulated period. On non submission of validity certificate within stipulated period, the employer has rightly taken decision in view of the Government Resolution dated 14.06.2013.

4. We have also heard the learned Additional Government Pleader for respondents/State.

5. To get the validity proceeding decided within a particular time frame is not in the hands of a litigant. It also appears that the proposal was forwarded to the Committee. It was because of the technical defect that the Sub Divisional Officer who had

issued tribe certificate had issued the certificate with incorrect spelling of the tribe the Committee did not decide the proceeding on merit.

6. Under our order dated 16th July, 2019, we had directed issuance of correct tribe certificate. Pursuant thereto corrected tribe certificate is issued. Under order dated 13.08.2019, we had directed the Committee to accept the proposal within one week and further directed the employer not to fill in the post held by the petitioner. It is now submitted that, the proposal has been accepted by the Committee and is pending for verification.

7. In the order of termination the only reason given is non submission of validity certificate.

8. In the light of the above, we pass following order.

ORDER

i) The Scrutiny Committee shall decide the validation proceedings in respect of tribe claim of the petitioner on its own merits, in accordance with law, expeditiously and preferably within a period of six (06) months from the date of appearance of the petitioner.

ii) The petitioner shall appear before the Committee on

16th September, 2019.

iii) The impugned order of termination is quashed and set aside.

iv) The respondent No. 4 shall reinstate the petitioner on his original post on or before 01st September, 2019.

v) The petitioner would be entitled for continuity in service, but we are not inclined to grant backwages to the petitioner.

vi) The employer may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.

vii) With these observations and directions the writ petition is partly allowed. No costs.

[ANIL S. KILOR, J.]

[S. V. GANGAPURWALA, J.]