

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.1537 OF 2019

GORAKHNATH PANDURANG BHALEAO

...PETITIONER

VERSUS

THE STATE OF MAHARASHTRA
AND OTHERS

...RESPONDENTS

Mr. D.G. Nagode, Advocate for Petitioner

Mr. K.B. Jadhavar, Assistant Government Pleader for Respondents-
State

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

DATE : 06th SEPTEMBER, 2019

ORAL ORDER:

1. Mr. Nagode, the learned Counsel for the petitioner submits that the petitioner was appointed on 15.2.1985 by respondent Nos. 3 and 4 as Talathi from S.T. Category. The petitioner was directed to submit his tribe certificate for validation with the Committee. The petitioner submitted the tribe certificate on 7th July, 2015. The claim is pending. On 10th April, 2017, the respondent No. 3 issued show cause notice to the petitioner directing to produce validity certificate within a period of 15 days, else his services will be terminated. The petitioner gave the receipt of the pending proposal to the employer.

However, on 09.10.2018 the employer has terminated the services of the petitioner on the ground that validity certificate is not submitted.

2. According to the learned Counsel, the validation proceeding is still pending. It is not decided by the Committee. On the other hand, the petitioner is terminated on the ground of non-submission of validity certificate.

3. According to the learned Assistant Government Pleader, the Committee would decide the validation proceeding within a period of two months from the date of appearance of the petitioner. As the petitioner did not submit the validity certificate and the petitioner was appointed from reserved category, his services were terminated.

4. It is not the case that petitioner did not co-operate in submitting the tribe certificate and the submission of the proposal for verification of the tribe certificate. The proposal for verification of his tribe certificate is pending since 07.07.2015. The same is not disputed by the respondent also.

5. It is also not the case that validation proceeding is being prolonged at the behest of the petitioner. To get the proceeding decided within a stipulated period, is not in the hands of the litigants.

6. In view of the above, we pass the following order :-

i) The Committee shall decide the validation proceeding within a period of 2 months from the date of appearance of the petitioner.

(ii) The petitioner shall appear before the Committee on 11th September, 2019.

(iii) The impugned order of termination is passed only on the ground that petitioner has not submitted the validity certificate. In view of that, the impugned order of termination is quashed and set aside.

(iv) The petitioner shall be reinstated in service within a period of 7 days from today. The period from the date of termination till reinstatement, shall be counted for the purpose of continuity. However, the petitioner will not be entitled for back wages for the said period.

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

(vi) The petitioner shall co-operate in expeditious disposal of the validation proceeding. If the petitioner does not co-operate in

expeditious disposal of the proceeding, the Scrutiny Committee shall proceed further in deciding the matter.

7. The Writ Petition is accordingly disposed of. No costs.

[ANIL S.KILOR]
JUDGE

[S.V.GANGAPURWALA]
JUDGE

mta