

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

WRIT PETITION NO. 4304 OF 2018

Tushar Chandrakant Bhosale .. Petitioner

Versus

The State of Maharashtra and others .. Respondents

Shri S. G. Chapalgaonkar, Advocate for the Petitioner.
Shri K. B. Jadhavar, A.G.P. for Respondent Nos. 1 and 2.
Shri B. S. Deshmukh, Advocate for the Respondent No. 3.

**CORAM : S. V. GANGAPURWALA AND
A. M. DHAVAL, JJ.**

DATE : 22ND FEBRUARY, 2019.

ORDER :

. Mr. Chapalgaonkar, the learned counsel submits that, the petitioner had applied for the post of Civil Engineering Assistant from Maratha reservation. The petitioner was selected. The petitioner was appointed as Civil Engineering Assistant on or about 29.03.2016 for a period of eleven months in the regular pay scale. The petitioner completed eleven months and was subsequently continued under order dated 08.02.2017. Under the impugned order, petitioner's services are terminated with retrospective effect. According to the learned counsel, the protection is granted to such appointees at the principal seat and pursuant to the interim protection granted, they are continued,

however, petitioner's services are dispensed with.

2. Mr. Deshmukh, the learned counsel counsel for the respondent No. 3 submits that, stay granted at the principal seat was subsequent to the termination of the petitioner. As such, the order of stay would not inure to the benefit of the petitioner.

3. It appears that, before stay was granted, petitioner's services were dispensed with. However, stay was continued from time to time and even the Government issued resolutions thereby protecting services of such persons. It is pointed out even under recent act namely the Maharashtra State Reservation (of seats for admission in educational institutions in the State and for appointments in the public services and posts under the State) for Socially and Educationally Backward Classes (SEBC) Act, 2018 and more particularly Sec. 18 of the Act, such appointments are protected. It is further submitted that, under Government Resolution dated 03rd November, 2018, the appointments are directed to be continued for eleven months.

4. Mr. Deshmukh, the learned counsel on instructions submits that, the post on which the petitioner is appointed is vacant.

5. Considering the above, we pass following order.

6. The impugned order of termination is quashed and set aside. The respondents shall reinstate the petitioner as per Government Resolution dated 03rd November, 2018. The petitioner shall not be entitled for backwages from the date of termination till the date of reinstatement. The reinstatement of the petitioner shall be made on or before 01.03.2019 in terms of G. R. dated 03rd November, 2018. The writ petition is disposed of. No costs.

[A. M. DHAVAL, J.]

[S. V. GANGAPURWALA, J.]

bsb/Feb. 19