

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

WRIT PETITION NO.4801 OF 2018

Amol s/o Jagannath Ghoti

...PETITIONER

VERSUS

The State of Maharashtra & ors.

...RESPONDENTS

.....
Shri K.V. Patil, Advocate holding for
Shri S.R. Barlinge, Advocate for petitioner
Mrs. P.V. Diggikar, A.G.P. for State
Shri R.S. Pawar, Advocate holding for
Shri P.R. Nangare, Advocate for respondent No.4
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**CORAM: S.V. GANGAPURWALA AND
A.M. DHAVALA, JJ.**

DATED : 17th January, 2019

ORAL ORDER :

1. It is contended by the petitioner that the validation proceedings in respect of the tribe claim of the petitioner as Naikada - Scheduled Tribe is pending. After filing of the present petition, the management terminated the services of the petitioner under order dated 11.5.2018. Learned counsel submits that, as yet the vigilance cell enquiry has not been conducted by the respondent.

2. Mr. R.S. Pawar, learned counsel holding for Mr. P.R.

Nangare, learned counsel for the management submits that, persistent requests were made to the petitioner to submit the validity certificate. As the validity certificate is not submitted, the petitioner is terminated. We have also heard the learned A.G.P.

3. It is contended by the petitioner that his appointment was also approved by the Joint Director of Higher Education and only on the ground that the validation proceedings is pending, and validation certificate is not submitted, the appointment is cancelled.

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

5. The respondent Scrutiny Committee shall decide the validation proceedings in respect of the tribe claim of the petitioner expeditiously, preferably within six months from the date of appearance of the petitioner. The petitioner shall appear before the Scrutiny Committee on 28th January 2019 and co-operate in expeditious disposal of the validation proceedings. The termination order dated 11.5.2018 is quashed and set aside. The petitioner is entitled for continuity of service. However, the petitioner is not entitled for back-wages from the date of termination till reinstatement. The respondent management shall reinstate the petitioner on or before 31st January 2019.

6. The reinstatement of the petitioner shall be subject to the

decision of the Committee in validation proceedings. The respondent management can take further action against the petitioner depending upon the decision of the Committee in the validation proceedings. Writ petition disposed of. No costs.

(A.M. DHAVAL, J.)

(S.V. GANGAPURWALA, J.)

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