

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

149 WRIT PETITION NO.9276 OF 2019

SHANU ASHIKALI SHAH

VERSUS

THE STATE OF MAHARASHTRA AND OTHERS

Advocate for Petitioner : Mr S S Tope h/for Mr Pawar
Vaibhav U.

AGP for Respondents State: Mr S B Narwade
Advocate for Respondent Nos.3 & 4 : Mr Suresh D. Dongade

CORAM : S. V. GANGAPURWALA &
ANIL S. KILOR, JJ.

DATE : 16th September, 2019

ORDER:

1. Services of the petitioner are terminated on the ground that validity certificate is not submitted. However, Mr. Tope, the learned counsel for the petitioner submits that proposal seeking validity to the caste claim of the petitioner is pending with the Scrutiny Committee and the same is not yet decided.

2. Mr Dhongade, learned counsel submits that the petitioner was required to submit validity within six months. As the validity is not submitted within six months, the respondent employer has rightly terminated the services of the petitioner.

3. Perusal of the impugned order, it is manifest that services of the petitioner are terminated for the sole reason that validity is not submitted. According to the

petitioner, the validation proceeding is still pending. To get the proceeding decided within stipulated period is not in the hands of the litigants.

4. Considering the above, we pass following order.

O R D E R

- (a) The Scrutiny Committee shall decide the validation proceedings in respect of the petitioners' caste claim, expeditiously, preferably within six months from the date of appearance of the petitioner.
- (b) The petitioners shall appear before the Committee on 30th September, 2019.
- (c) The impugned order of termination is quashed and set aside. The respondents shall reinstate the petitioner on his original post. The petitioner would be entitled for continuity in service. However, we are not inclined to award back wages.
- (d) The respondents shall reinstate the petitioner within seven days from today.
- (e) The respondent employer may take further course of action depending upon the order that would be passed by the Committee in the validation proceedings.
- (f) Writ petition is accordingly disposed of. No costs.

(ANIL S. KILOR, J.)

(S.V.GANGAPURWALA, J.)

JPC