

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

WRIT PETITION NO. 10871 OF 2016
WITH
CIVIL APPLICATION NO. 757 OF 2018

Suvarna Mahendrasingh Rajput ...Petitioner

Versus

The State of Maharashtra and Ors. ...Respondents

Mr. P.N. Nagargoje, Advocate holding for
Mr.D.B. Thoke, Advocate for Petitioner
Mr. P.S. Patil, Additional Government Pleader for
Respondent Nos. 1 and 2
Mr. M. K. Deshpande, Advocate for Respondent No. 4

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

DATE: 15th JANUARY, 2019

PER COURT

1. Leave to correct the respondent No. 3 as Deputy Director of Technical Education.

2. The petitioner was appointed as Shikshan Sevak with the respondent No. 4. Her appointment as Shikshan Sevak was also approved by the authority. The validation proceeding in respect of the caste claim of the petitioner was also submitted to the Committee and it was pending.

3. It appears that when the validation proceeding was pending, the petitioner's services are otherwise terminated in as much as the petitioner was not allowed to sign the muster. According to the Management, the petitioner is not allowed to sign the muster from October, 2015 and the honorarium up to February, 2015 has been paid.

4. During the interregnum, the petitioner has been issued with the validity certificate of Rajput Bhamta VJNT in the year 2017.

5. Mr. Deshpande, the learned Counsel for the Institution on instructions submits that the post on which the petitioner was working is kept vacant.

6. As the petitioner has been issued validity certificate and it appears that no order of termination is issued, but it would be case within the ambit of otherwise termination, there appears to be a letter issued to the petitioner informing that her services would come to an end from 1st October, 2015.

7. Considering the above, it would be appropriate to

direct the respondent-Institution to reinstate the petitioner.

8. In view of the above, the impugned order of termination is set aside. The respondent No. 4 shall reinstate the petitioner. The period from the year of termination till reinstatement shall be counted for the purpose of continuity, but the petitioner will not be entitled for actual payment during the said period. The Institution shall send proposal of the petitioner for approval of the services to the Dy. Director of Education. The Dy. Director of Education shall decide the same on its own merits, expeditiously. The writ petition is accordingly disposed of. No costs.

9. In view of disposal of the writ petition, the Civil Application is disposed of.

(A.M. DHAVAL, J.) (S.V. GANGAPURWALA, J.)

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