

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

WRIT PETITION NO.4057 OF 2020

Shaikh Yunus s/o Shaikh Yusuf,
Age 52 years, Occu. Service (Now Nil),
R/o Plot No.8, Gulshan Nagar,
Karkhana Road, Vasmata,
Taluka Vasmata, Dist. Hingoli

.. Petitioner

Versus

1. The State of Maharashtra,
through Secretary,
Road Transport and State Highways,
Mantralaya, Mumbai 32

2. The Divisional Controller,
Maharashtra State Road Transport
Corporation, Parbhani Division,
Parbhani, District Parbhani

.. Respondents

Mr S.B. Choudhari, Advocate for petitioner
Mrs M.A. Deshpande, Addl.G.P. for respondent no.1
Mr A.D. Wange, Advocate for respondent no.2

**CORAM : S.V. GANGAPURWALA AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 16th March 2020

ORAL JUDGMENT (Per S.V. Gangapurwala, J.)

1. Rule. Rule returnable forthwith. With the consent of learned Counsel for the parties, petition is taken up for final disposal at admission stage.

2. The petitioner is terminated from service on 12.5.2018 on the ground that he has not submitted the validity certificate. The petitioner is issued with the validity certificate of Julha caste on 13.6.2019. The petitioner seeks reinstatement.

3. We have heard Mr Choudhari, learned Counsel for the petitioner, Mr Wange, learned counsel for respondent no.2 and so also learned A.G.P. for respondent-State.

4. The sole reason for terminating the services of the petitioner is that he was appointed from the reserved category and the petitioner has not produced the validity certificate. The petitioner is issued with the validity certificate of Julha caste on 13.6.2019.

5. As the sole reason for termination of service was invalidation of the caste claim, which is subsequently validated, the impugned order of termination dated 12.5.2018 is quashed and set aside.

6. The respondents shall reinstate the petitioner on his original post on or before 15.4.2020. The period from termination till the reinstatement would be counted as continuity of service. However, the petitioner will not be entitled for wages during this period, i.e. up to 14.4.2020. The said period from 12.5.2018 to 14.4.2020 shall be counted for all further purposes.

7. Writ Petition is allowed accordingly. No costs.

8. Rule made absolute in above terms.

(SHRIKANT D. KULKARNI, J.)

(S.V. GANGAPURWALA, J.)

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