

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

WRIT PETITION STAMP NO. 11229 OF 2020

Namdeo Bapu Thakur

.. Petitioner

Versus

The State of Maharashtra and others

.. Respondents

Mr. Sushant C. Yeramwar, Advocate for the Petitioner.

Mr. S. G. Karlekar, A. G. P. for Respondent Nos. 1 and 2.

**CORAM : S. V. GANGAPURWALA &
 R. G. AVACHAT, JJ.**

DATED : 06th JULY, 2020.

PER COURT:-

. The learned counsel for the petitioner submits that the validation proceeding is still pending. The same is not decided as per the order passed by this Court in the earlier writ petition. The employer has issued notice directing the petitioner to submit validity certificate or else adverse action would be taken.

2. We have in earlier writ petitions amply clarified that the protection granted to the petitioner is still disposal of the validation proceeding.

3. It is only upon culmination of the validation proceeding, the employer may take further course of action depending upon the

judgment that would be delivered by the committee in the validation proceeding. There was no reason for the employer to issue the impugned notice, more particularly when the judgment has not been delivered by the scrutiny committee in the validation proceeding. The fact that the protection is granted to the service of the petitioner till the disposal of the validation proceeding is amply clarified in the order dated 21.09.2016 passed in Writ Petition No. 9739 of 2016.

4. In the light of the above, the impugned notice is quashed and set aside. The employer shall not take adverse action against the petitioner only on the ground that validation proceeding is pending. The employer may take further course of action depending upon the judgment that would be delivered by the committee in the validation proceeding. Writ petition is disposed of. No costs.

(R. G. AVACHAT)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

PS.B.