

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

WRIT PETITION NO. 5620 OF 2020

Santosh Potanna Goskulwad

..PETITIONER

VERSUS

State of Maharashtra and Others

..RESPONDENTS

....

Mr. S.M. Vibhute, Advocate for petitioner

Mr. D.R. Kale, In-charge Government Pleader for respondent – State

Mr. S.T. Shelke, Advocate for respondent nos. 4 and 5

Mr. A.R. Joshi, Advocate for respondent no.6

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

DATE : 23rd SEPTEMBER, 2020

ORDER :

The validity proceeding in respect of caste claim of the petitioner is pending since August 2019. Same is not decided by the committee. The petitioner is issued with the order of termination by the employer.

2. Mr. Shelke, learned counsel for the employer submits that approval was granted to the petitioner by Respondent No.6 – University upon condition that validity certificate shall be submitted within six months. The same was not done by the petitioner and as such Respondent No.3 – Joint Director also did not fix the pay. No illegality is committed by the employer.

3. Learned A.G.P. does not dispute that validity proceeding is pending with the committee.

4. It is submitted that vigilance is not conducted. The petitioner would have no role to play in the validity proceeding unless and until the vigilance is conducted. It is not in the hands of the petitioner to get the proceeding decided within stipulated period. Considering above, we pass the following order :-

ORDER

- (I) The impugned order, terminating services of the petitioner, is quashed and set aside.
- (II) The respondents shall not withhold salary of the petitioner only on the ground that validity proceeding is pending.
- (III) The committee shall decide the validity proceeding in respect of tribe claim of the petitioner expeditiously and preferably within nine months from the date of appearance of the petitioner.
- (IV) The petitioner shall appear before the committee on 12th October, 2020 and shall co-operate in expeditious disposal of the said proceeding.
- (V) Writ petition is accordingly disposed of in above terms.
No costs.

(R.G. AVACHAT, J.)

(S.V. GANGAPURWALA, J.)

SSD