

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

WRIT PETITION NO. 5880 OF 2020

Shah Babu Shadulla

.. Petitioner

Versus

The State of Maharashtra,
through its Principal Secretary,
General Administration Department,
Mantralaya, Mumbai and ors.

.. Respondents

Mr H.H. Padalkar, Advocate for petitioner
Mr K.S. Patil, A.G.P. for respondent Nos. 1 and 3
Mr A.D. Wange, Advocate for respondent No. 2

**CORAM : RAVINDRA V. GHUGE AND
SHRIKANT D. KULKARNI, JJ.**

DATE : 27th AUGUST, 2020

PER COURT:

1. We have heard the learned Advocate for the petitioner for quite some time. In short, the contention of the petitioner is that, as he failed to submit his caste validity certificate after having been selected to the post of a Driver reserved for a particular backward category, he has been terminated from service w.e.f. 11.7.2019 by order dated 6.7.2019. His grievance is that there are certain circulars, which are made applicable to the M.S.R.T.C., which permit such a candidate to continue in service on humanitarian grounds and his seniority would be considered from a particular date, as he has failed to submit his caste validity certificate.

2. The learned Advocate for the M.S.R.T.C. points out that the petitioner has already approached the Labour Court, Nanded by filing Complaint (ULP) No. 50/2019 challenging his termination order dated 11.7.2019. All his contentions, which strike at the root of the termination, can be considered by the Labour Court.

3. We are of the view that since the legality of the termination of the petitioner will first have to be adjudicated upon and the said proceeding having already been instituted before the Labour Court, Nanded, all grounds available to the petitioner to make out a case of violation of his legal rights, can be considered by the Labour Court, Nanded.

4. In view of the above, this petition is disposed off.

(SHRIKANT D. KULKARNI, J.)

(RAVINDRA V. GHUGE, J.)

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