

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

WRIT PETITION NO.6469 OF 2020

Swati d/o Venkatrao Baste

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr.Sunil M. Vibhute, advocate for the petitioner.

Mr.P.M.Kulkarni, AGP for Respondents.

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

DATE : 22nd September, 2020.

PC :

1 The learned Counsel for the petitioner submits that the validation proceeding is pending with the Scrutiny Committee.

2 Earlier, the employer had issued notice directing the petitioner to submit validity certificate or else, adverse action against her will be taken. The petitioner had filed Writ Petition No.8368 of 2019 and this Court, under order dated 10.07.2019, disposed of the said writ petition directing the Committee to decide the proceedings within six months. This Court further directed the Respondent-employer not to take adverse action

against the petitioner only on the ground that validation proceeding is pending. Only because the validity certificate is not submitted by the petitioner after lapse of period of six months, the Respondent-employer has again issued a notice to the petitioner directing him to submit the validity certificate or else, her salary would be stopped.

3 When this Court has specifically directed the employer not to take any adverse action against the petitioner only on the ground that validation proceeding is pending, it was inappropriate on the part of the Respondent-employer to issue the impugned notice of proposed action. The concerned authority ought to have understood the order dated 10.07.2019, passed by this Court in Writ Petition No.8368 of 2019, in its correct perspective. This Court has granted protection to the petitioner till the validation proceeding is pending.

4 The impugned notice is quashed and set aside. The Respondent-authorities shall not take adverse action against the petitioner till the validation proceeding is pending with the Scrutiny Committee. Respondent-Scrutiny Committee shall endeavour to decide the proceedings within six months. The petitioner shall appear before the Respondent-Committee on 05th

October, 2020.

5 Writ Petition is disposed of. No costs.

SHRIKANT D. KULKARNI
JUDGE

S.V.GANGAPURWALA
JUDGE

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