

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

1014 Writ Petition No.3027 Of 2021

Abdul Javed Abdul Habib Ansari
Age : 45 years, Occu : Service,
R/o. Old Power House Jintur Road
Parbhani, Dist. Parbhani

.. Petitioner

Versus

1. The State of Maharashtra
2. The General Manager,
State Transport, Central Office
Mumbai
3. The Divisional Controller,
State Transport, Parbhani,
Dist. Parbhani
4. The Depot Manager,
State Transport, Parbhani,
Dist. Parbhani
5. The Divisional Social Welfare Officer,
Aurangabad Division, Near Shivaji High
School, Aurangabad
6. Deputy Commissioner,
District Caste Scrutiny Committee,
Parbhani

.. Respondents

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Mr G.K. Muneshwar, Advocate for the Petitioner

Mr K.N. Lokhande, AGP for Respondent Nos.1, 5 & 6

Mr A.B. Dhongade, Advocate for Respondent nos.2, 3 and 4

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**CORAM : S. V. GANGAPURWALA AND
R.N. LADDHA, JJ.**

DATE : 30-09-2021

ORAL JUDGMENT (Per S. V. GANGAPURWALA, J.) :

1. Rule. Rule made returnable forthwith. With the consent of the parties, the matter is taken up for final hearing.
2. Heard the learned Counsel appearing for the respective parties.
3. The learned Advocate for the petitioner submits that the petitioner is the employee with respondent – MSRTC. He was appointed from OBC category. He had to submit the validity within six months. The validation proceedings with regard to the caste claim of the petitioner is pending with the Committee. Only on the ground that the petitioner could not submit validity certificate, he has been terminated from the service. The same is impugned in the present writ petition.
4. On the last date, we had asked learned AGP Mr Lokhande to take instructions about the status of the validation proceedings filed by the petitioner. The learned AGP, on instructions, submits that the matter is now being transferred to the Committee at Parbhani and the

same would be dealt with by the Committee at Parbhani.

5. It appears that the validation proceedings with regard to the caste claim of the petitioner is pending with the Committee. The vigilance is not yet conducted. Until the vigilance is conducted, the petitioner has no role to play. It is not in the hands of the litigants to get the validation proceedings decided within a stipulated period.

6. In light of the above, we pass the following order.

ORDER

- (i) The impugned order is quashed and set aside.
- (ii) The respondent – M.S.R.T.C. shall reinstate the petitioner in service on his original position, which he was occupying on the date of termination.
- (iii) The petitioner is given continuity in service.
- (iv) The petitioner shall not be entitled for the back-wages for the period from 21-12-2019 till reinstatement.
- (v) The respondent - employer shall reinstate the petitioner within 15 days from today.
- (vi) The respondent - Committee shall decide the validation proceedings, expeditiously and preferably within nine months.

(vii) The employer may take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.

7. Rule made absolute accordingly. No costs.

(R. N. LADDHA)
JUDGE

(S. V. GANGAPURWALA)
JUDGE

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