

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

1004 WRIT PETITION NO.6417 OF 2020

HEMCHANDRA ARJUN KOLI
VERSUS
THE STATE OF MAHARASHTRA AD OTHERS

Advocate for Petitioners : Mr Chavan Rajendra N.
AGP for Respondents State: Mrs V S Chaudhari
Advocate for Respondents 2 & 3 : Mr M S Sonawane

CORAM : S. V. GANGAPURWALA &
SHRIKANT D. KULKARNI, JJ.

DATE : 11th March, 2021.

ORDER:

1. Petitioner is appointed from general category on the vacant post of SEBC category after the order passed by this Court in the writ petition filed by the petitioner earlier. The services of the petitioner are dispensed with under the impugned communication.
2. We have heard learned counsel for the petitioner.
3. Mr. Sonawane, the learned counsel for respondent Nos. 2 and 3 submits that the State Government has granted stay to the implementation of G.R. dated 11.07.2019, however, there was no clarification regarding giving extension to the appointment of the candidates from general category on the vacant seats for SEBC category. In view of that, the impugned order was issued to the petitioner relieving the petitioner from service.
4. The Government resolution dated 11.07.2019 is stayed.
5. The similarly situated persons who are in services are continued

under the interim orders passed by this Court and also the Division Bench at the Principal Seat in various matters.

6. The impugned order does not state the reason for discontinuing the service of petitioner. The reason is sought to be substantiated in the affidavit. The affidavit is on the premise that no clarification is received from the Government for extending services of the candidates appointed from general category on the vacant seat for SEBC category. The same reason would be unsustainable.

7. In light of that we quash and set aside the impugned order.

8. In case the post on which the petitioner was appointed is still vacant, then the petitioner shall be reinstated on the said post. The same shall be continued till the policy decision is taken in that regard by the State or the respondent herein.

9. After the policy decision is taken, as observed supra, the respondents are at liberty to proceed ahead in terms of the policy decision, qua the service of the petitioner.

10. Writ petition disposed of. No costs.

(SHRIKANT D. KULKARNI, J.)

(S.V.GANGAPURWALA, J.)

JPC