

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 2763 OF 2021

KANCHAN
VINOD
MAYEKAR

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KANCHAN VINOD
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Date: 2021.09.14
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Nachiket Pandurang Allapurkar

..... Petitioner

VERSUS

State of Maharashtra & Anr.

..... Respondents

Mr. C.K.Bhangoji, i/b. Mr.R.M.Mendadkar for the Petitioner.

Mr.R.S.Datar for the Respondent no.3.

Ms.Kavita N.Solunke, A.G.P. for the State – Respondent nos. 1 and 2.

**CORAM: R. D. DHANUKA AND
ABHAY AHUJA, JJ.**

DATE : 9th SEPTEMBER, 2021

P.C:-

Rule. Ms.Solunke, learned A.G.P. waives service for the respondent nos. 1 and 2. Learned counsel waives service for the respondent no. 3.

2. By consent of parties, the writ petition is heard finally.

3. By this petition filed under Article 226 of the Constitution of India, the petitioner seeks writ of mandamus against the respondent no.2 committee to decide the application for grant of caste validity

certificate in accordance with law and further directions to the respondent no.3 to reinstate the petitioner to the post of laboratory attendant with all consequences including back wages by setting aside an order of termination dated 31st March, 2021.

4. The petitioner was appointed as laboratory attendant on 30th September, 2003 on the post reserved for Scheduled Tribe. The case of the petitioner was thereafter referred to the respondent no.2 committee by the respondent no.3 for verification. Since the respondent no.2 was not deciding the said caste claim of the petitioner, the petitioner filed this writ petition. Since the petitioner could not produce the caste validity certificate, the respondent no.3 vide letter dated 31st March, 2021 terminated the services of the petitioner. The petitioner thus filed this petition.

5. During the pendency of this petition, the respondent no.2 committee has allowed the caste claim of the petitioner and has issued the caste validity certificate dated 21st June, 2021 in favour of the petitioner.

6. We have heard learned counsel for the parties and have perused

the impugned order of termination issued by the respondent no.3. A perusal of the said order indicates that the services of the petitioner were terminated only on the ground that the petitioner could not produce the caste validity certificate.

7. It is not in dispute that the caste claim referred by the respondent no.3 to the respondent no.2 was pending for quite sometime. The petitioner was not at fault for the delay caused by the respondent no.2 in not deciding the said caste claim. In view of the fact that the caste claim of the petitioner has been now allowed and the caste validity certificate having been already issued by the respondent no.2 in favour of the petitioner, in our view, the order of termination dated 31st March, 2021 deserves to be set aside. We, accordingly pass the following order :-

- (a) The impugned order of termination dated 31st March, 2021 passed by the respondent no.3 terminating the services of the petitioner as laboratory attendant is quashed and set aside.
- (b) The respondent no.3 is directed to reinstate the

petitioner on the said post with all consequential benefits including back wages.

(c) The respondent no.3 shall submit the pay bills for the said period to the respondent no.4 for payment within four weeks from today. Upon receipt of such pay bills, the respondent no.1 to release the amount due to the petitioner within six weeks thereafter.

(d) Writ petition is allowed in the aforesaid terms. Rule is made absolute accordingly. No order as to costs.

[ABHAY AHUJA, J.]

[R.D.DHANUKA, J.]