

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO. 6650 OF 2022

Nitin Ashok Sapkal

Petitioner

Versus

The State of Maharashtra & others

Respondents

Mr. P. V. Jadhavar, Advocate for the petitioner.

Mr. S. G. Karlekar, AGP for all the respondents.

**CORAM : RAVINDRA V. GHUGE &
ANIL L. PANSARE, JJ.**

DATE : 30th JUNE, 2022.

PER COURT :

1. The petitioner has put forth prayer clauses 'B' and 'C' as under :-

B) By issuing appropriate writ, order or direction I like nature, may kindly be quashed and set aside the impugned termination order dated 27.04.2022/09.05.2022 (Exhibit F) by the respondents/ employer regarding to non-submission of validity certificate.

C) By way of an appropriate writ, order or direction in the like nature may kindly issue direction to the respondent No. 2 scrutiny committee may kindly be to

decide the tribe claim of the petitioner as early as possible or issue the validity certificate in favour of petitioner as belongs to Koli Malhar Scheduled Tribe.

2. Issue notice to the respondents. The learned AGP waives service of notice on behalf of all the respondents.

3. The impugned order dated 27th April, 2022 has been passed without hearing the petitioner and has resulted in the termination of his service on the solitary ground of his failure in filing the validity certificate. He has secured employment on the basis of his claim belonging to Koli Mahadev Scheduled Tribe. The employer of the petitioner demanded a validity certificate as the rules prescribe a deadline of six months.

4. In view of the above, this petition is partly allowed with the following directions :-

A) The petitioner shall appear before the Committee on 11th July, 2022, at 12.00 noon.

B) The Committee shall not pray for extension of time.

C) The petitioner shall extend wholehearted cooperation to the Committee and if he seeks adjournment on unreasonable or trivial grounds, the Committee would be justified in rejecting such request and advance to the next stage in the case.

D) The impugned order dated 9th May, 2022, issued by respondent No. 3, stands quashed and set aside.

E) The issue of arrears of pay during the period of his termination, will be subject to the order of the Competent Committee.

(ANIL L. PANSARE)
Judge

(RAVINDRA V. GHUGE)
Judge