

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

905 WRIT PETITION NO.11426 OF 2022

RAMDAS KONDIRAM GAWALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY NAD
OTHERS

...

AND
907 WRIT PETITION NO.11435 OF 2022

DATTU RAMESH INGLE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

.....

Advocate for Petitioner : Mr. Jadhavar Pratap V.
AGP for Respondents 1 and 2: Ms. R.P. Gour
Advocate for Respondent No.3 : Ms. Surekha P. Mahajan

.....

**CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.
DATED : 8th DECEMBER, 2022.**

PER COURT :-

1. In both these matters, it is an undisputed position that none of the petitioners have delayed their pending validation proceedings, unlike Gopal Sehshrao Pawar (writ petition No. 11380 of 2022).

2. In the case of Ramdas Kondiram Gawale, this Court (Coram: S.V. Gangapurwala and R.M. Ladda, JJ.) had passed an order on 27.10.2021, in his earlier writ petition No. 8752 of 2021, concluding below paragraph 7, as under:-

ORDER

- I. The petitioners shall appear before the Scrutiny Committee on 22nd November, 2021.
- II. The Committee shall endeavour to decide the proceedings expeditiously, preferably within six months.
- III. In case the petitioners are otherwise eligible, then the respondents may not withhold the appointment orders of the petitioners only on the ground that the validity certificate is not submitted.
- IV. The respondents can take further course of action depending upon the judgment that would be delivered by the Committee in the validation proceedings.
- V. The writ petitions are disposed of. No costs.

3. The above directions were issued even in writ petition No. 8744 of 2021, filed by Dattu Ramesh Ingle. As such, Ramdas and Dattu were both appointed in service, pending their validation claims, in the light of the above reproduced order. Thereafter, by the impugned order dated 14.10.2022, the Chairman of the State Board for Secondary and Higher Secondary Education, Shri Sharad Gosavi, terminated the services of Ramdas as well as Dattu and Gopal. In case of Gopal, we have declined the relief of reinstatement since he was delaying the validation proceedings and was enjoying the orders passed by this court since he was protected. However, in the case of

Ramdas and Dattu, none of them is alleged to have delayed their proceedings.

4. The learned A.G.P. submits that in the case of Ramdas, the Vigilance Cell enquiry is pending and the committee would decide the pending proceeding by 31.5.2023. In the case of Dattu, the Vigilance Cell enquiry report has been served on him and the hearing has been posted on 16.12.2022. If Dattu co-operates, his pending proceeding can be decided by 28.2.2023.

5. In view of the above, the two writ petition Nos.11426 of 2022 and 11435 of 2022, filed by Ramdas and Dattu, respectively, are partly allowed with the following directions:-

- a) The pending proceedings with regard to the claim of Ramdas of belonging to Koli Malhar S.T., would be decided on or before 31.5.2023. Ramdas would fully co-operate in the said proceedings and shall refrain from seeking adjournment on unreasonable or trivial ground, lest the committee would be justified in progressing to the next stage in the proceedings. Needless to state that the continuance in service of Ramdas Kondiram Gawale, would depend upon the decision of the committee.
- b) In the case of Dattu, he shall appear before the committee at Aurangabad, on 16.12.2022 at 12.00 a.m. He would tender written say/submissions on the said date and address the Committee. The committee shall

thereafter close the proceedings and deliver it's order on or before 28.02.2023. Dattu would fully co-operate in the said proceedings and shall refrain from seeking adjournment on unreasonable or trivial ground, lest the committee would be justified in progressing to the next stage in the proceedings. Needless to state that the continuance in service of Dattu Ramesh Ingle, would depend upon the decision of the committee.

6. In view of the above and on the condition that the petitioners Ramdas and Dattu shall render co-operation, the impugned termination orders, both dated 14.10.2022, shall stand quashed and set aside. The State Board shall reinstate Ramdas and Dattu forthwith.

7. Needless to state, their continuance in service would be subject to the decision of the committee in their pending validation proceedings.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)

rlj/