

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

904 WRIT PETITION NO.11380 OF 2022

GOPAL SHESHRAO PAWAR
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND
OTHERS

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

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

PER COURT :-

1. On 28.11.2022, we had passed the following order:-

"1. The petitioner has already been terminated by order dated 14th October, 2022 issued by respondent No.3 employer, on account of non-submission of the validity certificate. The petitioner's proposal for validation is pending since 3rd August, 2021. It is pointed out that this Court had passed an order on 27th October, 2021 in Writ Petition No.8756 of 2021. It was directed that if the petitioner is otherwise eligible, the respondents would not withhold his appointment order only on the ground that the validity certificate is not tendered. The petitioner then had preferred Contempt Petition No.688 of 2021. By order dated 15th December, 2021, the contempt petitions were disposed off.

2. The learned AGP contends that the petitioner has been served with the vigilance report on 8th March, 2022. Since then, he has been delaying the matter and even after a passage of more than eight months, he has not tendered his

written submissions. The matter is now listed on 2nd December, 2022 for hearing.

3. Issue notice to the respondents, returnable on 16th January, 2023. The learned AGP waives service of notice on behalf of respondent Nos.1 and 2. The learned counsel waives service of notice on behalf of respondent No.3.

4. Considering the fact situation as narrated above and taking into account that the petitioner did not tender a reply to the vigilance report for more than eight months, that we are directing the petitioner to tender the written submissions / statement to respondent No.2, on 2nd December, 2022 when he would appear before the competent committee. We expect the committee, thereafter, to close the proceedings and deliver an order on 9th January, 2023 and supply a copy of it's judgment to the petitioner by following the due procedure."

2. It is obvious from the above reproduced order that, we had noticed the conduct of the petitioner of delaying his validation proceeding. We are now informed by the learned A.G.P. that on 2.12.2022, the committee was not available and hence, the matter was posted to 07.12.2022. The petitioner has appeared on that day in view of the orders of this court and has tendered his written submissions. The matter is closed for passing orders, which would occur on 09.01.2023.

3. In view of the above, this petition is disposed off. All claims of the petitioner, dependent upon the result of his pending validation proposal, are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE , J.)