

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.11715 OF 2022

SAMADHAN BABURAO MORE
VERSUS
THE STATE OF MAHARASHTRA THROUGH THE SECRETARY AND
OTHERS

Mr.D.D.Chaudhari, Advocate for the petitioner.
Mr.S.K.Tambe, AGP for the respondent/State.

(CORAM : RAVINDRA V. GHUGE AND
SANJAY A. DESHMUKH, JJ.)

DATE : DECEMBER 01, 2022

PER COURT :

1. The petitioner has put forth prayer clause A and B as under :-

"A. The Hon'ble High Court may be pleased to issue appropriate writ, order or direction in the nature of writ and thereby quashed and set aside the impugned termination order dated 14.10.2022 (Annexure G) issued by respondent No.3 to the petitioner and further the respondent No.3 may be directed to reinstate the service of the petitioner forthwith with backwages.

B. The Hon'ble High Court may be pleased to issue an appropriate writ, order or direction in the nature of writ and thereby direct the respondent No.2 to decide the Tribe Claim of the petitioner within a stipulated period as this Hon'ble High Court deems fit."

2. The learned AGP appearing on behalf of respondent Nos. 1 and 2, points out from the Roznama dated 14.10.2022 and 06.11.2022, that the petitioner has sought adjournments in the proceedings before the

Committee and has not submitted a written statement in response to the Vigilance Cell Inquiry report.

3. The petitioner has already been terminated by respondent No.3. Granting reinstatement in service with continuity and full back wages would amount to granting final relief when the matter is pending adjudication in the light of the claim of the petitioner that he belongs to the Koli Malhar (30) ST category. His claim is pending since 15.09.2021. He approached this Court in WP No.10557/2021. This Court directed the petitioner to co-operate in the expeditious disposal of the pending cases and the Committee was directed to decide the claim of the petitioner within 6 months. The employer was permitted to take further course of action depending upon the judgment that would be delivered. The petitioner then preferred CP No.687/2021. By order dated 15.12.2021, this Court disposed off the contempt and permitted the petitioner to agitate afresh and file a fresh contempt petition, if desired.

4. In view of the above, it would be appropriate for us to ensure that the claim of the petitioner is adjudicated upon expeditiously.

5. The learned Advocate for the petitioner makes a statement on

instructions that the petitioner would approach the respondent/Committee at Aurangabad at 2.00 p.m. on 02.12.2022 and collect the documents, which would be handed over to him by the Committee. He further makes a statement that the petitioner would enter written submissions by 12.00 noon on 19.12.2022.

6. We, therefore, direct the Committee to decide the claim of the petitioner and deliver its judgment on 31.01.2023 at 12.00 noon. The petitioner would remain present and would receive the copy of the judgment by following the procedure as is prescribed.

7. Needless to state, if the petitioner succeeds in getting validation, he would be at liberty to avail of a remedy as is permissible in Law for seeking quashing of the termination order in the light of the validity certificate received by him. Unfortunately, if an adverse order is passed, the petitioner would be at liberty to challenge the judgment of the Committee and his termination. All contents are kept open.

(SANJAY A. DESHMUKH, J.)

(RAVINDRA V. GHUGE, J.)