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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

907 WRIT PETITION NO.11765 OF 2022

**ANIKET AJABSING GUSINGE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS
SECRETARY AND OTHERS**

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Mr P. V. Jadhavar, Advocate for petitioner;
Mr P. S. Patil, A.G.P. for respondents/State

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

DATE : 9th December, 2022

PER COURT:

1. The petitioner has put forth prayer clauses (B), (C) and (D),
which read as under :-

“B) By issuing appropriate writ, order or direction in like nature, may kindly be quashed and set aside the impugned termination order dated 01/11/2022 (Exhibit H) 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 Thakur Scheduled Tribe.

D) Pending hearing and final disposal of this writ petition, may kindly grant stay to the impugned termination

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order dated 01/11/2022 (Exhibit H) issued by the respondents/employer regarding to non-submission of validity certificate and not fill up the post against the petitioner by respondent authority.”

2. We have considered the strenuous submissions of the learned Advocate for the petitioner and the learned A.G.P. The sequence of events are as under :-

(a) On 20/09/2021, the petitioner submitted the proposal for seeking validation of his claim of belonging to ‘Thakur – Scheduled Tribe’ category.

(b) The petitioner was selected as ‘Multipurpose Health Worker’. However, since he did not have validity certificate, he was not issued with the appointment order.

(c) The petitioner approached this Court in Writ Petition No.10815/2021. By an order dated 07/10/2021, this Court observed that, if there is no other impediment, the petitioner can be granted a provisional appointment order with the direction that the petitioner would co-operate for expeditious disposal of the proceedings.

(d) The proceedings are yet pending.

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3. The learned A.G.P. submits that, a Vigilance Cell Enquiry Report is ready with the Committee at Aurangabad. The petitioner submits that, he would collect the copy of the report on 12/12/2022 and submit his written statements/submissions on 19/12/2022, by appearing before the Committee.

4. The learned A.G.P. submits that the Committee would deliver a final order on 16/01/2023.

5. The petitioner has been terminated vide order dated 01/11/2022. He was granted provisional appointment. Since he did not submit his validity certificate, the provisional appointment has been cancelled.

6. In view of the above, this petition is disposed off. The statements made by the petitioner and the learned A.G.P. have been recorded above. The Committee shall hold a hearing in the case of the petitioner on 19/12/2022 at 12.00 noon. The petitioner would appear and tender written notes of arguments/submissions. The Committee shall, thereafter, deliver an order, on or before 16/01/2023. Since the petitioner was granted provisional appointment and has been discontinued on 01/11/2022 and keeping in view that the Committee would be deciding the claim

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of the petitioner in a period of around 35 days from today, that we are not causing any interference. Needless to state, if the petitioner succeeds in his claim of belonging to ‘Thakur – Scheduled Tribe’, he would be entitled for reinstatement with continuity and back-wages.

(SANJAY A. DESHMUKH, J.) (RAVINDRA V. GHUGE, J.)

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