



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION (CAW) NO. 423 OF 2025

IN

WRIT PETITION NO. 4683 OF 2018

Rajendra Kishor Mahindre

..VS..

State of Maharashtra and others

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. R. S. Parsodkar, Advocate for the applicant.
Ms. Kavita Bhondge, AGP for respondent/State.
Mrs. Reshma R. Hiranwar, Advocate for respondent No.3.

CORAM : SMT. M.S. JAWALKAR, AND
RAJ D. WAKODE, JJ.

DATED : 29th SEPTEMBER, 2025

1. Heard learned Counsel for the applicant and learned Counsel for the respondent No.3.
2. Present application is filed for issuance of directions to the respondent No.3 to restore the services of the petitioner.
3. The petitioner belongs to "Banjari" Caste VJ(A) at serial No.7(s) in the State Government Resolution dated 21/11/1961. The Caste Certificate of "Banjari" VJ(A) is issued in favour of the petitioner on 13/12/2016. He came to be appointed after due procedure on the post of 'Fireman' in the Fire Department. The caste claim of the

petitioner was referred to the District Caste Certificate Scrutiny Committee, Yavatmal. Though initially the caste claim of the petitioner was invalidated on 29/06/2018, the said invalidation was challenged before this Court by filing a Writ Petition No.4683/2018. Since the caste claim of the petitioner was invalidated by the Scrutiny Committee, his services came to be terminated by respondent No.3 without considering pendency of Writ Petition No.4683/2018. The Writ Petition No.4683/2018 came to be decided on 12/12/2022 and this Court set aside the order of invalidation as the Committee has not considered the oldest documents and directed the Scrutiny Committee to decide the caste claim of the petitioner afresh on its own merits. Thereafter, the Caste Scrutiny Committee validated the caste claim of the petitioner and issued a Caste Validity Certificate to the petitioner of “Banjari” VJ(A).

4. In view of the validation of caste claim of the petitioner, he make a representation on 13/02/2023 to the respondent No.3 to restore his services and reinstate him. Thereafter also various representations were made however, none of these representations were replied by the respondent No.3.

5. In reply to this application, the respondent No.3 submitted that there is no such policy for restore the services or reinstate. It is submitted that the Chief Fire

Officer has now on 18/09/2025 moved the proposal for reconsidering the petitioner in the service for the post of 'Fireman'. The decision on the said proposal is awaited and same is expected to be received within 12 weeks. It is also submitted that he will be granted a new appointment on probation period of three years. In our considered opinion when the ground for termination is invalidation of caste, which does not exist in view of the validation of the caste claim of the petitioner, the order of termination become *non est*. Even when passing order in Writ Petition No.4683/2018, this Court observed in para 8 as under :

"8. The services of the Petitioner were terminated on 10/8/2018. The Petitioner is free to take steps as permissible for seeking relief relating to his service, which is dependent upon the outcome of the final decision of the Scrutiny Committee."

6. In view of this, we pass the following order :

(i) The Civil Application is allowed.

(ii) The respondent No.3 – Fire Department, Mumbai through its Chief Fire Officer, is hereby directed to restore the services of the petitioner and reinstate him in service on the post of 'Fireman' with continuity of service, however, the petitioner is not entitled for any claim of

back wages since the date of termination till his reinstatement.

(iii) The respondent No.3 – Fire Department, Mumbai through its Chief Fire Officer, is hereby directed to reinstate the petitioner within a period of two weeks.

The Civil application stands disposed of in the above terms.

(RAJ D. WAKODE, J.)

(SMT. M.S. JAWALKAR, J.)

Kirtak