

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

931 CIVIL APPLICATION NO.6872 OF 2023
IN WP/5984/2023

PANDIT DHONDU SAPKALE
VERSUS
THE STATE OF MAHARASHTRA THROUGH ITS SECRETARY AND OTHERS

...
Advocate for Applicants : Mr. Yeramwar Sushant C.
AGP for Respondent Nos. 1 & 2 : Mr. A.S. Shinde

CORAM : MANGESH S. PATIL &
SHAILESH P. BRAHME, JJ.

DATE : 14.07.2023

PER COURT :

Heard the learned advocate for the petitioner who has filed the present application and the learned A.G.P.

2. The respondent No. 3 has been duly served but has not caused appearance.
3. By way of this application the petitioner is taking exception to the communication dated 06.04.2023 received from the respondent No. 3, terminating his employment for his failure to produce a tribe validity certificate.
4. The learned advocate for the petitioner points out the Government resolution dated 21.12.2019 and 14.12.2022 and also refers to the order of this Court in the matter of **Manoj Tulsiram Khapekar Vs. Union of India and others in Writ Petition 2880/2019** dated 16.03.2023, in a similar state of affairs. Even this Court in the matter of **Venkat Baburao Jamadar Vs. The State of Maharashtra and others in Civil Application No. 7597/2023 in WPST No. 16350/2023** by the order dated 28.06.2023 has, pursuant to the

aforementioned Government resolutions and the decision in the matter of Manoj Tulsiram Khapekar (supra) directed the petitioner to be reinstated and to be placed in a supernumerary post. The petitioner is claiming the same relief.

5. The respondent No. 3 has been duly served with the copy of this application but has not appeared.

6. We allow the application, quash and set aside the order of termination and direct the respondent No. 3 to reinstate the petitioner immediately and in any case within two weeks from today by placing him in the supernumerary post.

7. The petitioner shall not be entitled to claim salary from the date of termination till the date he is reinstated.

8. The Civil Application is disposed of.

(SHAILESH P BRAHME, J.)

(MANGESH S. PATIL, J.)

mkd/-