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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

WRIT PETITION NO.3956 OF 2024
(Nilanjay Madhavrao Yadpalwar Vs. The State of Maharashtra and
Others)

Mr.C.R.Thorat, Advocate for the Petitioner.
Mr.R.K.Ingole, AGP for Respondent Nos. 1 and 5.
Mr.A.M.Gaikwad, Advocate for Respondent Nos. 2 to 4.

(CORAM : RAVINDRA V. GHUGE AND
R.M. JOSHI, JJ.)

DATE : APRIL 18, 2024

PER COURT :

1. The Petitioner has put forth prayer clauses A & B as under :-

“A. By issuing Writ of Certiorari or any other appropriate writ or direction in the like nature, be please to quash and set aside the order of termination passed by the Respondent No.2 dated 01.04.2024 on the ground that the petitioner has not submitted the tribe validity certificate on or before 31.03.2024.

B. Pending hearing and final disposal of this Writ Petition, be please to stay, the order of termination passed by the Respondent No.2 dated 01.04.2024 on the ground that the petitioner has not submitted the tribe validity certificate on or before 31.03.2024.”

2. Heard the learned Advocates for the respective sides. We advert to our earlier order dated 09.01.2024 passed in WP No.163/2024, which was filed by the present Petitioner. Apparently, the present Petitioner himself has violated our order by not tendering a detailed reply to the Vigilance Enquiry report on 22.01.2024, when he had received the report on 10.10.2023. It is also apparent that the Committee itself has violated the directions of this Court to decide the claim of the Petitioner on or before 31.03.2024, though they received the reply from the Petitioner on 30.01.2024. To our surprise, the Committee did not even issue a notice of hearing to the Petitioner when we had directed that the hearing would be conducted and a judgment would be delivered on 31.03.2024.

3. As a consequence of the above, as we have protected the service of the Petitioner till 31.03.024, his employer has terminated his service on 01.04.2024. Legally, in these peculiar circumstances, the decision of the employer cannot be faulted.

4. The Petition before us is on account of the conduct of the Petitioner himself, as well as the conduct of the Committee. **As such,**

this Petition is disposed off by passing the following order :-

[a] The Petitioner shall be reinstated in service with continuity on 30.04.2024. His statement that he would not claim salary for the period of unemployment, is accepted and he is granted continuity in service.

[b] The learned AGP takes instructions from the 3 Members Committee and submits that they would deposit costs of Rs.5,000/- each.

[c] The Petitioner shall now appear before the Committee on 03.05.2024 at 11.00 a.m. and the hearing would be conducted on the said date. Thereafter, the matter would be closed if the Petitioner delays the matter on the pretext of bringing forth some more documents, then the Employer is at liberty to disengage him. The Committee shall deliver an order in the matter on or before 30.06.2024.

[d] By the consent of the parties, the costs amount of Rs.15,000/- be donated to the Advocate's Association of the Bombay High Court, Bench at Aurangabad.

(R.M.JOSHI, J.)

(RAVINDRA V. GHUGE, J.)