



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD

907 WRIT PETITION NO. 5911 OF 2023

SATTAR KHAN YUSUF KHAN PATHAN

VERSUS

THE STATE OF MAHARASHTRA THROUGH ITS PRINCIPAL SECRETARY AND
OTHERS

Mr.C.R. Thorat, Advocate for the Petitioner.
Ms.Neha Kamble, AGP for Respondent Nos. 1 and 4.
Mr.B.S. Deshmukh, Advocate for Respondent No.3.

CORAM : RAVINDRA V. GHUGE &
R.M. JOSHI, JJ.
DATED : 28.03.2024

PC :-

01. This is a peculiar case. An employee of MSRTC could dodge the employer without tendering a Validity Certificate for 34 years. His Tribe Certificate is dated 23.12.1986. He secured employment on the post of Bus Conductor, which was reserved for “Tadvi” – Scheduled Tribe category listed at Sr.No.30. On 19.04.2023, he has been terminated from service, since he did not tender a Tribe Validity Certificate for 34 years, while being in employment. It is now almost a year, he has been terminated from service.

02. The learned Advocate for the Petitioner submits that if this Court is not inclined, at least, it be observed that if the Petitioner gets a Validity Certificate, the MSRTC would reinstate him with continuity and full back wages. The learned Advocate for the MSRTC submits that he would not make a statement on back wages, though the MSRTC would have no difficulty in reinstating the petitioner with continuity in service.

03. In view of the above, **this Petition is disposed off** with the following directions :-

- (a) The claim of the Petitioner shall be dealt with by the Competent Committee and a final order would be passed in the matter, on or before 30.09.2024.
- (b) The Petitioner has tendered his Cell Number as under :-
“9764027175”
The Petitioner undertakes to indulge in correspondence with the Committee on this WhatsApp Number.
- (c) The Petitioner shall render wholehearted cooperation and would not take a defence as to whether any notice was not served on him through WhatsApp.
- (d) If the claim of the Petitioner is validated by the Committee, the MSRTC would grant reinstatement with continuity and full back wages to the Petitioner.

04. This order is passed in peculiar facts and circumstances of this case and would not be cited as a precedent.

[R.M. JOSHI,J.]

[RAVINDRA V. GHUGE,J.]