

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1757 OF 2020

Shanmukh S. Guttargi

...Petitioner

Versus

The State of Maharashtra & Ors.

...Respondents

Mrs. Anita A. Agarwal a/w. Ms. Ashwini Jadhav and Mr. Ashish Agarwal, for Petitioner.

Mr. V.G. Badgujar, AGP, for Respondent Nos. 1, 3 and 4.

Mr. Anvil Kalekar, for Respondent No.2.

Digitally signed
by
HUSENBASHA
RAHAMAN
NADAF
Date: 2024.08.01
17:53:00 +0530

CORAM: NITIN JAMDAR &
M.M. SATHAYE, JJ.

DATE : 31 JULY 2024

P.C.:

1. Heard the learned counsel for the parties.
2. The Petitioner has made the following prayer:

“a. this Hon’ble court be pleased to issue a Writ of Mandamus or a Writ in the nature of Mandamus or any other writ, order or direction under Article 226 of the Constitution of India to quash and set aside the termination letter dated 31/07/2017 issued by the Respondent no.2, and further direct the Respondent No.2 to re instate the Petitioner in the service.”

3. The impugned order dated 31 July 2017 issued by Respondent No. 2 states that the Petitioner was appointed on 9 December 1999

on the basis of being member of Scheduled Tribe. He was to produce validity certificate within six months which he did not produce, even after several reminders. Thereafter on 31 July 2017, the services of the Petitioner were terminated.

4. The learned counsel for the Respondent Management therefore raises an objection that the Petitioner ought to have approached the School Tribunal.

5. The learned counsel for the Petitioner sought to contend that during the pendency of the proceedings before the Scrutiny Committee, the Petitioner's services were protected and the Scrutiny Committee, while invalidating the caste certificate by order dated 26 February 2015, has canceled the caste certificate. It was kept open to the Petitioner to apply afresh for the caste certificate based on this order, contending that there is no final decision of the Scrutiny Committee and the Government Resolution. The learned counsel for the Petitioner further sought to contend that the Respondent Management could not have terminated the services of the Petitioner. All these grounds are in furtherance of challenge before the School Tribunal.

6. The learned counsel for the Petitioner also sought to contend that the order passed by the Respondent Management is not of termination but of suspension. However, the impugned order is clear that it is of termination. Even the prayers, both original and amended, speak of termination.

7. In light thereof, since the remedy of approaching School Tribunal was available to the Petitioner, we dispose of the writ petition keeping all contentions open, including delay etc.
8. Writ petition is accordingly disposed of.

(M.M. SATHAYE, J.)

(NITIN JAMDAR, J.)