



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.17262 OF 2024

Baswani S/O Dhondiba Patil

...Petitioner

Versus

The State Of Maharashtra

Tribal Development Dept. And Ors.

...Respondents

...

Adv. Sushant Y. Jinturkar for the Petitioner.

Adv. A. A. Alaspurkar, AGP for Respondent Nos. 1 to 3.

...

CORAM : RAVINDRA V. GHUGE &
ASHWIN D. BHOBE, JJ.

DATE : 2nd DECEMBER, 2024

Per Court :-

1. The Petitioner was appointed as a Majdoor, on 11th January, 1993. He was regularized as a Majdoor on 3rd July, 1996. The said post of was reserved for the Scheduled Tribe Category. After The Maharashtra Scheduled Castes, Scheduled Tribes, De-Notified Tribes (Vimukta Jatis), Nomadic Tribes, Other Backward Classes And Special Backward Category (Regulation Of Issuance And Verification Of) Caste Certificate Act, 2000 was introduced, for the first time, the employer issued a show cause notice for non-submission of the Validity Certificate, on 30th December, 2020. A departmental enquiry was initiated vide chargesheet

dated 4th March, 2021 and on 8th November, 2024, the Petitioner has been terminated.

2. **Issue notice to the Respondents** returnable on **13th January, 2025**. The matter would appear in the fresh admissions category. The learned AGP waives service of notice on behalf of Respondent Nos. 1 and 3. Humdust to serve Respondent No. 2 is granted on request.

3. The parties shall note that on the returnable date, we would consider the prayer for reinstatement in service, keeping in view that the Petitioner has been in employment from more than 33 years and is on the verge of retirement.

4. All office objections to be removed, on or before 19th December, 2024, failing which, the Petition would stand dismissed without reference to the Court, on 20th December, 2024.

5. Until further orders, the post on which the Petitioner was working, shall neither be advertised, nor shall be filled in.

(ASHWIN D. BHOBE, J.)

(RAVINDRA V. GHUGE, J.)